

**A PRELIMINARY INVESTIGATION  
REGARDING  
THE DESIGNATION  
OF  
A PROPOSED AREA IN NEED OF  
REDEVELOPMENT**

**KNOWN AS**

**AREA A**

**(ZINC MINE AND RELATED PROPERTIES)**



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**THIS DOCUMENT IS AN ADDENDUM  
TO  
THE REDEVELOPMENT AREA DETERMINATION REPORT  
(ZINC MINE SITE)**

**DATED OCTOBER 2003**

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**PREPARED FOR:  
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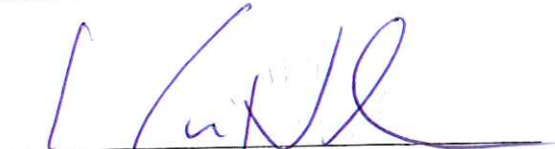
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The original of this report was signed and sealed in accordance  
with NJSA 45:14A-12

  
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## 1.0 INTRODUCTION AND PURPOSE OF REPORT

The purpose of this report is to analyze a portion of Franklin Borough in order to determine if that area can be designated as an "Area in Need of Redevelopment" in accordance with the criteria set forth in NJSA 40A:12A-5 (The Local Redevelopment and Housing Law). Initially, the specific area in question includes what is commonly known as the Zinc Mine Site, plus several vacant properties to the east of the Zinc Mine site. In addition, the area in question includes a vacant commercial property commonly known as the Rowley Lumberyard. The Rowley site does not immediately adjoin the Zinc Mine and related properties. It is separated from the aforementioned acreage by Rutherford Ave and it currently accommodates several vacant commercial structures. The specific properties that initially comprised this study area are all located in Block 16, except for the Rowley property, which is located in Block 22. The aforementioned properties are listed as follows:

Property	Location	Size	Zone	Owner
Bl.16 Lot 78	95 Main Street	21.25ac.	ZM	Zinctown Properties, LLC
Bl.16 Lot 80	19 Sterling St	3.67 ac.	R-1	NJ Zinc Co. c/o Horsehead Ind.
Bl.16 Lot 77	(bet. Lots 76 & 80)	2.30 ac.	R-1	Dell Materials, Inc
Bl.16 Lot 76	(next to Lot 72)	5.00 ac.	R-1	Dell Materials, Inc.
Bl.16 Lot 72	Sterling St. rear	3.20 ac	R-1	Borough of Franklin
Bl.16 Lot 1	389 Rutherford Av.	5.10 ac.	R-4/R-1	Borough of Franklin
Bl.22 Lot11.	390 Rutherford Av	2.37 ac	B2/HC	Rowley Dev. Corp.

Subsequently, The Borough Council authorized the addition of four properties to the study area, based on the recommendation of the Planning Board. They are:

Bl. 22 Lot 12	386 Rutherford Ave	.45 ac.	B-2/R-4	Kevin Kucks
Bl. 22 Lot 13	386 Rutherford Ave	.29 ac.	B-2	Same
Bl. 22 Lot 14	384 Rutherford Ave.	.32 ac.	B-2	D and L Kapponi
Bl. 22 Lot 37	453 Route 23	.19 ac.	R-4	Horst Kasper / ES Realty

This study area (Area A – The Zinc Mine and Related Properties) is one of four areas identified in the **Franklin Borough Redevelopment Ad Hoc Committee Report**, dated June 2010, as potentially meeting the criteria to be designated as "An Area in Need of Redevelopment". A fifth area was identified as potentially meeting the criteria for "An Area in Need of Rehabilitation". That fifth area includes a substantial portion of Main St and adjoins the Zinc Mine site. Consequently, it is anticipated that any future Redevelopment Plan for the Zinc Mine and Related Properties and the Rehabilitation Plan for Main St. will be coordinated, so that the end result will be a comprehensive plan for the core area or "center" of the Borough.

It should also be noted, that two of the properties on the aforementioned list were the subject of a detailed preliminary investigation report by the firm of Heyer and Gruel and Assoc. in 2003. However, no action was taken at that time to designate the two lots as An Area In Need of Redevelopment. Consequently, given the passage of time, it is necessary

to include these two properties in this report. The relevancy and validity of the Heyer Gruel document will be discussed in more detail later in this report.

All five of the areas identified in the Ad Hoc Committee report are strategically located portions of the community that are important to the future vitality of the Borough. They vary in size, location and condition but each has the potential to contribute more to the socio-economic goals and objectives of the community and the region, than they do now.

During 2009, the Borough Planning Board undertook and adopted a Master Plan Reexamination Report and several Master Plan amendments, as part of its long range planning efforts. In the Reexamination Report document, specific mention is made of potential areas in need of redevelopment, as well as the Borough's previous redevelopment activities. Subsequent to the adoption of the Reexamination Report, The Ad Hoc Committee Report, which was approved by the Planning Board in 2010, supplemented the Reexamination Report by providing a substantial amount of information regarding the redevelopment area process and the five areas of the Borough that should be investigated in more detail.

The Borough is fully aware of the need to comprehensively investigate any area that is being considered as a designated "Area in Need of Redevelopment". The Borough is also aware that recent case law makes it clear that such designations must be fully supportable by the documentation that is compiled in connection with such an effort. This report and related supplementary material provide that documentation.

Specifically, in compiling this report, a variety of tasks were undertaken. First each property in the study area was visited and photographed in order to document the appearance and condition of any structures existing on the property. The next step was to review the Borough Tax Assessor's property record cards for each lot and make note of relevant information. A return site visit to each property was undertaken to more closely inspect the physical conditions. Unless otherwise noted, only exterior conditions were evaluated.

The Borough Zoning Officer and Tax Collector, as well as the Construction Code Official were also consulted to determine the extent of any activity under their jurisdictions involving these properties during the last several years. Among the items of interest were code violations, failure to pay property taxes, tax liens, tax sales, foreclosures and the issuance of any zoning or building permits. In addition, information was also provided regarding any Planning Board or Board of Adjustment activity involving any of the properties. The compiled information is noted where it is relevant with respect whether or not the properties meet the applicable statutory criteria for an area in need of redevelopment.

So, the end result of an analysis of this type involves determining how the properties that are studied meet or don't meet the criteria established by NJSA 40A: 12A-5. Those criteria are listed as follows:



- a. The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions.
- b. The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.
- c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.
- d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.
- e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real property therein or other conditions, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare.
- f. Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.
- g. In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act," P.L. 1983, c. 303 (C. 52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L. 1992, c. 79 (C. 40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L. 1991, c. 431 (C. 40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L. 1991, c. 441 (C. 40A:21-1 et seq.). The municipality shall not utilize any other redevelopment powers

within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L. 1992, c. 79 (C. 40A:12A-1 et al.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.

h. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

An authoritative source on the redevelopment process in New Jersey is a document entitled The Redevelopment Handbook authored by Slachetka and Roberts on behalf of the New Jersey Dept of Community Affairs. In that document, in Section 5, there is a discussion of the statutory criteria and how to interpret the above referenced statutory language. In terms of guidance the authors begin by indicating that "an area may be in need of redevelopment if:

- The buildings and structures located within it have been allowed to deteriorate to such a degree that they pose a threat to the public health and safety
- It includes vacant commercial and industrial buildings that are abandoned or have become so obsolete that they cannot reasonably be rented or sold"

However, the authors go on to further clarify that the statutory language is broad enough so that even "relatively well maintained properties and structurally sound buildings and viable commercial and residential uses" may qualify if there are various defects related to site design, property size and shape or if other land use related factors have discouraged the private sector from considering these properties for investment or redevelopment purposes. The authors conclude their observations with the following thought:

"In summary, an area in need of redevelopment when private market forces and conditions of ownership have led to abandonment disinvestment or underutilization of properties within an area.....it may be that an area is not being utilized to its full development potential. As a result, the area may not be effectively contributing to the municipality's economy or its long range community development objectives. Thus, public action is required"

However, it must also be noted that recent case law has somewhat tempered this expansive view of how liberally the redevelopment criteria can be applied. Nevertheless, as long as the health, safety and welfare of the community are directly tied to the conditions that exist within a potential redevelopment area, a municipality can still rely on the language in The Local Redevelopment and Housing Law to support its actions

It also needs to be noted that if a property, by itself does not meet any of the statutory criteria, it may still be included in a designated redevelopment area, as noted in NJSA 40A:12A-3 – because of how a "Redevelopment Area" is defined. The last sentence of that definition states the following:

*“..... A redevelopment area may include lands, buildings or improvements, which of themselves are not detrimental to the public, health, safety or welfare but the inclusion of which is found necessary, with or without changes in their condition, for the effective redevelopment of the area of which they are a part. “*

The following property descriptions and related information pertaining to the study area will determine if all or some of the properties in question can qualify as part of an area that may be designated, by the Borough Council, as “An Area in Need of Redevelopment.” Prior to the Council decision of whether or not to so designate this area, a public hearing by the Planning Board is required to obtain input from affected property owners, as well as the general public. The input from that hearing process should be included as an addendum to this report or documented in a separate report.

Designating any property as part of An Area In Need of Redevelopment is a serious matter and Franklin Borough recognizes that such a designation cannot and should not be enacted unless it is fully defensible and supported by the community. In this specific instance the facts will demonstrate that the redevelopment of the Zinc Mine and Related Properties is essential to the long term well being of the community. This is true specifically for the eleven properties that are the subject of this report but it is also true for the Main Street area, which is dependent on the successful revitalization of the Zinc Mine and Related Properties to support and supplement the enhancement and improvement of the Main Street area itself.

## 2.0 EXISTING CONDITIONS AND ANALYSES

### 2.1 GENERAL DESCRIPTION AND APPLICABILITY OF STATUTORY CRITERIA

The area in question, as already noted, consists of what is known as the Zinc Mine property and several adjoining vacant lots, plus the Rowley Lumberyard property and several lot near the Rowley site. It is approximately 44.15 acres in total area divided among eleven separate lots. The Zinc Mine site (Lots 78 and 80) accommodates several buildings and the ruins of many more structures. There are eight different owners involved with this area. The overall area is depicted on Exhibit 1 included in Appendix A. In addition, Exhibits 2 through 5, in Appendix A, are aerial photos, which delineate each of the properties in more detail.

The configuration of the area is extremely irregular in terms of its shape but it is also irregular in terms of its topographic features. The area extends from Junction Street, at its southwestern terminus, all the way to Route 23 at its eastern terminus. The total distance through this area from Junction St to Route 23 is approximately 4,000' or nearly three quarters of a mile. Along the way, this area borders the Susequehanna and Western Railroad to the northwest and small portions of Main St, Sterling St and Rutherford Ave toward the east. It also borders a number of existing residential properties accessible from the aforementioned streets and others, including a new, mid rise senior citizen complex, which includes over 100 units. This area also borders several commercial and public purpose properties.

One of the properties in this study area (Lot 78) is located in the ZM (Zinc Mine) Zone, which currently permits a variety of commercial uses and high density, mid rise, age restricted housing – see Appendix B – Schedule A of the Franklin Land Development Ordinance and the specific Zinc Mine Zone regulations. The ZM Zone has a minimum lot size requirement of 20 acres, together with an intricate series of other standards, which are aimed at the redevelopment and revitalization of this long fallow part of the community. Those regulations and requirements were established as part of the Borough's land development ordinance adopted in 2006 and are based on the recommendations contained in the Borough's 2003 Master Plan.

Four of the other properties in this study area (Lots 72, 76, 77 and 80) are located in the R-1 Zone, which is a large lot single family residential zone with a minimum lot size requirement of 3 acres. A fifth lot (Lot 1) is located almost entirely in the R-1 Zone but a small portion near Rutherford Ave is zoned R-4. These five properties are contiguous and immediately to the northeast of Lot 78. An initial assessment of these properties is that it is doubtful that they would or could be developed as intended by the Borough Master Plan and land development regulations, because of access problems, as well as topographic and related constraints. All five properties are vacant, although some ruins and limited site improvements exist on several of the lots.

The remaining properties in the study area are Lot 11, 12, 13, 14 and 37 in Block 22. These lots are separated from the other lots by Rutherford Ave and front on either

Rutherford Ave, Route 23 or both. Lots 13, 14 and 37 are all in the R-4 Zone. Lots 11 and 12 are split zoned. The western one third of lot 11 that fronts on Rutherford Ave is in the B-2 Zone and the remainder is in the HC Zone and has frontage on Route 23. Lot 12 is split between the B-2 and R-4 zones. The HC Zone has a minimum lot size of 5 acres, which is intended to encourage large commercial complexes and to discourage the further fragmentation of the Route 23 commercial corridor. The remaining dimensional requirements of the zone are as follows:

- Min. Lot Width – 250'
- Min. Lot Depth – 500'
- Min. Front Yd Setback – 100'
- Min. Side Yd Setback – 50'
- Min. Rear Yd Setback – 100'
- Max. Bldg Ht. – 35' / 3 stories
- Min. Depth of Corner Lot from Street – 300'
- Max. Building Coverage – 20%

The B-2 Zone is more of a neighborhood commercial district since it has no access to Route 23. It allows similar but fewer uses than the HC Zone and the dimensional requirements are substantially less – ie: Minimum Lot Size 15,000 sq ft ; Minimum Lot Width – 60' ; Minimum Front Yard Setback – 40'.

The neighborhoods and properties, bordering the study area, are located in a variety of zones including the B-1, B-2, HC, R-1 and R-4. This is reflective of the length of the study area and its location within the central core of the Borough, where there is a greater mix of zoning districts than in other parts of the community. As already noted, the R-1 Zone is a large lot residential zone, the B-1 zone is similar to the already described B-2 and the R-4 Zone includes some of the older portions of the Borough and has a minimum lot area requirement of 6,250 sq ft. Appendix C contains a portion of the Borough Zoning Map, which depicts the zoning pattern in this part of the community.

The following descriptions and analyses – Sections 2.2 to 2.7 - provide the necessary information needed to conclude if each specific property, within the study area, can be included as part of An Area in Need of Redevelopment based on its own merits. In connection with that issue, the specific statutory criteria that apply to each property are noted at the end of each section

## **2.2 BLOCK 16 LOTS 78 and 80 ANALYSIS and DESCRIPTION**

As already noted, the Zinc Mine site was the subject of a detailed preliminary investigation report in 2003 prepared by the firm of Heyer and Gruel and Associates. That report was later supplemented in 2004 by an addendum. The purpose of the addendum was to determine how a proposed senior citizen mid rise structure to be located on a two acre portion of the Zinc Mine site impacted the preliminary investigation completed in 2003, which had concluded that the Zinc Mine site could be designated as An Area In Need of Redevelopment. The conclusion of the analysis contained in the



addendum was that the proposed senior citizen complex (actually constructed in 2009 and now located on a separate lot known as 78.01) would not affect the aforementioned designation.

The original Heyer and Gruel report, plus the addendum, provides a substantial amount of material regarding the conditions that existed on both Lots 78 and 80 at that time, including photographs and references to the history, as well as various documents related to this portion of the Borough. There is no need to reproduce that information, herein, since this report is in effect a supplement to the Heyer and Gruel work. However, recent aerial photos of the two lots are included in Appendix A, with all of lot 78 depicted on Exhibit 2 and a portion on Exhibit 3 and most of Lot 80 depicted on Exhibit 3 and a small portion on Exhibit 2.

However, since it has been over seven years since those documents were completed, it is important to note any significant changes that have occurred with respect to this acreage. In short, there have been some changes but they have not materially altered the validity of the Heyer and Gruel work. Just as important, however, it must be emphasized what has not changed. There has been little or no change to the physical characteristics of the site, either the natural features or the man made improvements. The variable topographic conditions still exist and the buildings and ruins, such as the “stack” and the “change house” have not changed, except in some instances there has been further deterioration.



**THE “STACK”**



**THE “CHANGE HOUSE”**

The site is still contaminated and has not been fully remediated, although there has been continuing contact and involvement between the property owner of Lot 78 and the NJDEP. In addition, the 2003 Borough Master Plan and later in 2006 the Land Development Regulations of the Borough have placed Lot 78 in a new zoning district, the Zinc Mine Zone. This zone has been part of a larger goal and strategy to revitalize the Main Street area – once the commercial and cultural hub of the community. The expectation was that the redevelopment of the Zinc Mine site would be the catalyst for the revitalization of the Main Street area. This unfortunately has not happened for a number of reasons, including but not limited to, the economic crisis of the last decade, the



related problems with the real estate marketplace and the unresolved issues with the contamination affecting Lot 78 in particular.

The Zinc Mine Zone envisions a high density, age restricted residential complex at this location. It was originally thought, back in 2003 when the Borough Master Plan was adopted, that the addition of several hundred residential units, occupied by residents with higher than average incomes, would be the economic catalyst, which would encourage the private sector to invest in retail and service commercial projects in the Main Street area. With the advent of this initial investment activity and the improving appearance of the Main Street area, the expectation was that more private investment would follow and the level of commercial activity would increase. That increased activity would then begin to attract more and more visitors from beyond the Main Street area, in particular, and Franklin, in general, who would also be drawn there by the cultural and historical attractions that currently exist and which would be further enhanced.

This vision has not come to pass, primarily because of the problems with the real estate marketplace, in general, but more specifically with the collapsed market for age restricted housing, which shows no signs of being rejuvenated, even as the overall real estate conditions continue to slowly improve. There actually had been some interest in the middle of the last decade by some developers who were considering the viability of age restricted housing at this location but nothing beyond conceptual plans and discussions ever materialized. So, the Borough has decided to begin the process of taking a fresh look at this site and has also expanded the area to be studied. More will be discussed later regarding this expansion.

So, in summary, this report generally adopts the conclusions reached by Heyer and Gruel regarding the Zinc Mine Site, in both the original report and the addendum. However, the Heyer Gruel approach, which was consistent with the thinking in 2003 regarding the designation of redevelopment areas, decided that Lots 78 and 80, met the following criteria established by NJSA 40A: 12-5 a, b, c, d, and e. In recognition of recent court cases, in particular the Gallenthin case, it is more realistic and conservative to conclude that these properties meet criteria a, b and c and that it is no longer necessary to include criteria d and e as part of the equation.

### **2.3 BLOCK 16 LOTS 1 and 72 ANALYSIS AND DESCRIPTION**

This acreage consists of two separate lots owned by the Borough. The two lots combined consist of approximately 8.3 acres. Lot 1 is located between Rutherford Ave and the general vicinity of Lehigh St and it has a small amount of frontage on Rutherford Ave. and Sterling St. Lot 1 is depicted partially on Exhibit 3 and in its entirety on Exhibit 4 in Appendix A. It is irregular in shape and it is traversed by a sanitary sewer easement, which extends in a westerly direction, eventually running parallel to the Susquehanna and Western Railroad in a southwesterly direction. This easement accommodates a sanitary sewer line that services the northern end of the Borough. The topography associated with this lot is quite varied, with very steep embankments to the west but also with some relatively level areas. A tributary of the Wallkill River traverses this lot and meanders

through the property following an irregular route. Much of Lot 1 is heavily wooded with second growth forest and a dirt path extends from Rutherford Ave through the property and appears to have been an old railroad bed. It is unknown when the Borough took title to this property or why.

Lot 72, which is depicted in its entirety on Exhibit 3 and partially on Exhibit 4 in Appendix A, has an extremely irregular "T" shaped configuration and appears to be a former railroad right of way that connected the main line of the Susequehanna and Western railroad with properties east of the main line. Just how far this rail spur went is unknown but probably extended as far as the Rowley property. This property is similar to Lot 1 in terms of its physical characteristics but it does not have any direct frontage on a public street.

The Tax Assessor's records place a total value on this acreage at \$ 215,000 or approximately \$ 26,000 per acre based on the aforementioned acreage figure of 8.3 acres.

Both properties are vacant and apparently have been for several decades. The prospect of either one being developed is extremely remote considering the constraints associated with each. There is also the possibility that some contamination may exist on each, which is something that will require further investigation.

In summary, these two lots meet the provisions of criterion "c" because they have been vacant for more than 10 years and because the constraints associated with them make it unlikely that they will be redeveloped with private capital.

## **2.4 BLOCK 16 LOTS 76 AND 77 ANALYSIS AND DESCRIPTION**

This acreage consists of two separate lots under common ownership by a private entity identified as Dell Materials. The two lots combined consist of approximately 7.3 acres and both are very irregular in shape. The two lots are divided by the Borough owned property identified as Lot 72 and previously described in Section 2.3 of this report. The Tax Assessor's records indicate that lots 76 and 77 are grouped with a third lot identified as Lot 75, which appears to be located to the west of the Susequehanna and Western Railroad. Lots 76 and 77 are shown in their entirety on Exhibit 3 in Appendix A.

Lot 76 is the northern most lot of the two and is heavily wooded, has varied topography – with some steep slope areas and is traversed by a tributary of the Wallkill River just as Lot 72 is. However, it needs to be noted that Lot 76 does not have direct frontage on any public road and does not appear to have frontage adjacent to the Susequehanna and Western ROW, because it appears that a small portion of Lot 72 is located between Lot 76 and the aforementioned ROW.

Lot 77 is located to the southeast of both Lots 72 and 76 and as previously noted is separated from Lot 76 by Lot 72. It also appears that Lot 77 is separated from the Susequehanna and Western ROW, just as Lot 76 is, by a small portion of Lot 72. In terms of the physical characteristics of this lot it is heavily wooded and the topographic conditions are more moderate than the other adjoining properties to the northeast. And, like Lot 76, it has no public road frontage. However, in each case there may be access

easements that exist but this will require further investigation and is beyond the scope of this study.

The Tax Assessor's records place a total value on this acreage at \$ 189,250 or approximately \$ 26,000 per acre based on the aforementioned acreage figure of 7.3 acres. However, the Tax Assessor's records do not coincide with this acreage figure since those records indicate a total of 9.3 acres. This discrepancy may be attributable to the inclusion of Lot 75 but that is not clear and will require further clarification. It should also be noted that this property is farmland assessed, meaning taxes are being paid on a figure that may be considerably less than the true assessed value of the property

Both properties are vacant and apparently have been for several decades. The prospect of either one being developed is extremely remote considering the constraints associated with each. There is also the possibility that some contamination may exist on each, which is something that will require further investigation.

In summary, these two lots meet the provisions of criteria "c" because they have been vacant for more than 10 years and because the constraints associated with them make it unlikely that they will be redeveloped with private capital.

## 2.5 BLOCK 22 LOT 11 - ANALYSIS AND DESCRIPTION

This site consists of approximately 2.38 acres and is nearly triangular in shape. It is located immediately adjacent to Route 23 on the east and Rutherford Ave on the west. Exhibit 5 in Appendix A delineates this property in its entirety and also shows its relationship to Block 16 Lot 1, which is located across from this site on the west side of Rutherford Ave. Residential properties adjoin this site to the north and south, as depicted in Exhibit 5. This property has historically and most recently been used as a lumberyard but has been vacant now for more than four years. It accommodates an existing commercial structure that apparently has been used for retail sales purposes and which faces Rutherford Ave. In addition to this main building, there are at least four accessory buildings that apparently have been used for the storage of materials for sale. On site parking also exists on the property but it is not a well defined parking area, as is required by current site design standards. This site is currently listed for sale with a realtor.



THE SITE FROM RUTHERFORD AVE



THE SITE FROM ROUTE 23

The Tax Assessor has placed a value of \$ 869,000 on this property and \$ 518,000 of that amount is attributable to the land. The Tax Assessor also indicates that the buildings date to 1920, although the basis for this date is not clear. The Tax Assessor also indicates that one of the accessory buildings was demolished in 2007 and the property assessment was revised accordingly.

Although the Zoning Officer indicates there are no property maintenance violations currently pending, there have been some in recent years, which were abated. The Zoning Officer is currently monitoring the situation and may issue new summonses, if the buildings continue to deteriorate.

As noted earlier, this property is in the HC Zone, which has a minimum lot size requirement of 5 acres. This site is undersized, since it consists of about 2.38 acres but not all of that acreage is in the HC Zone. Furthermore, the property has an odd configuration. Consequently, it is doubtful that this property can ever fulfill the vision of the HC Zone, which encourages planned commercial facilities on 5 acres or more. Currently, the property fails to meet the standards for commercial development that are expected in the 21<sup>st</sup> century. This is undoubtedly one of the reasons that the property has remained vacant for several years and will continue to remain so unless some action is taken by the municipality.

A tributary of the Wallkill River is located on the southern border of the site and may impact the site in terms of future development, because of NJDEP buffer requirements. However, this will require further investigation by the Borough Engineer. Another issue that may require investigation is site contamination. Although this property has not been identified as a "contaminated site", the fact that it has been used for nearly 100 years as commercial property, engaged in the sale of a variety of building related materials, suggests that the possibility of contamination can't be ruled out.

In summary, this property meets at least criteria "d" because the current site design, including the placement of the buildings on the property, and the existing Wallkill tributary to the south, which makes any adaptive re-use of the site or buildings, in accordance with modern planning standards, difficult at best. Although this site is larger than many others in the immediate area, it is still substantially deficient in size, based on the requirements of the HC Zone, within which a substantial portion of the site is located. In addition, if this site did not qualify on its own, it should still be included in the redevelopment area because of its importance relative to the overall planning issues related to access, which will be discussed in the following section.

## **2.6 BLOCK 22 LOT 12, 13 and 14 - ANALYSIS AND DESCRIPTION**

Lots 12, 13 and 14 are located on Rutherford Ave, just to the south of the Rowley property and just to the north of the Rutherford Ave / McCann St intersection. They are also directly opposite the Sterling St / Rutherford Ave intersection. They are depicted in the photos below.





**LOTS 12 AND 13**



**LOT 14**

Please note that Lots 12 and 13 have merged - although they are still shown on the tax map as two separate lots - and that they accommodate a multi family structure and the parking area associated with it. Lot 14 has a commercial / industrial type structure located on it. These properties are located in the B-2 Zone, as is a portion of the Rowley property. Initially these properties were not included in the study area but based on a recommendation from the Planning Board, as already noted, the Borough Council amended the study area by resolution and they are now included. The inclusion of these properties as part of the redevelopment area will be helpful in terms of developing the possible connector road between Route 23 and the Zinc Mine site, especially if it is determined that the redesign of the Sterling St / Rutherford Ave intersection should be included as part of that effort. Including these properties may also be helpful if the ditch separating the Rowley property from Lot 12 needs to be relocated. Finally, these additional properties, in conjunction with the Rowley property, offer the possibility of a greater number of redevelopment scenarios, than if this part of the redevelopment area is limited to the Rowley property alone.

Lots 12 and 13 consist of approximately three quarters of an acre and are oddly shaped. Part of lot 12 extends a considerable distance toward Route 23 but fronts only on Rutherford Ave. These two properties, plus Lot 14, are depicted on Exhibit 5 in Appendix A. Residential properties are located in the general proximity of these two lots but to the north and south they are bounded by non residential properties.

The buildings on Lots 12, 13 and 14 are in fair to poor condition and appear to be of pre World War II vintage. On site parking exists but it is not a well defined and is deficient by current site design standards. The Tax Assessor has placed a total value on Lots 12 and 13 of \$ 282,400 and \$ 80,200 of that amount is attributable to the land. Obviously the odd shape of Lot 12 has substantially affected the value of that portion of the property.

With regard to Lot 14 the Tax Assessor has placed a value \$ 383,000 on that property and \$ 160,500 of that amount is attributable to the land. With the land accounting for over 40% of the total value, it is clear that the structure on this lot is nearing the end of its useful life



The Zoning Officer does not indicate if there have been property maintenance violations in recent years or any zoning violations associated with these properties.

A tributary of the Wallkill River is located on the northern border of lot 12 and may impact all three lots in terms of future development, because of NJDEP buffer requirements. However, this will require further investigation by the Borough Engineer.

As noted earlier, these lots are in the B-2 Zone and a portion of lot 12 is in the R-4. The multi family structure on lot 13 is a non conforming use. It appears that this site, although oddly shaped, meets the dimensional requirements of the B-2 Zone, however, much of the lot is not usable because of its shape and accessibility. Lot 14 accommodates a non residential use that appears to be non conforming with respect to the requirements of the B-2 Zone. It is doubtful that either lots 12, 13 or 14, because of their location and other constraints, would be developed individually in accordance with the provisions of the B-2 Zone.

In summary, these lots meet at least criteria "d" because the current site design, including the placement of the buildings on the property, and the existing Wallkill tributary to the north, makes the re-use of the site or buildings, in accordance with modern planning standards, difficult at best. In addition, if these lots do not qualify on their own, they should still be included in the redevelopment area because of their importance relative to the overall planning issues related to adjoining lot 11.

## **2.7 BLOCK 22 LOT 37 - ANALYSIS AND DESCRIPTION**

Lot 37, also known as 453 Route 23, and depicted in the photo below, is located on Route 23 immediately to the south of the Rowley property and would also be valuable in terms of additional road frontage. However, it is a very small lot – less than a fifth of an acre or less than 9,000 sq ft – so, unfortunately, it does not add any significant critical mass to the size of the redevelopment area. There is little question that this property does qualify because the structure has been vacant for a number of years and is in a deteriorated condition.



**BLOCK 22 LOT 37 / 453 ROUTE 23**



The site is zoned R-4, so it does meet the lot size requirements of the zone. However, its location, immediately adjacent and in close proximity to Route 23, makes it less than desirable as a residential property. Apparently at one time this property had been used for commercial purposes on the ground floor and residential on the second floor. However, limited parking and other factors related to the age and design of the building have resulted in the structure being vacant for many years. Furthermore, it is now in a very deteriorated condition.

With regard to Lot 37 the Tax Assessor has placed a value \$ 218,900 on that property and \$ 46,500 of that amount is attributable to the land. For a property, with frontage on Route 23 to have a value this low, it is clearly an indication that this property has a number of constraints associated with it

The Zoning Officer does not indicate if there have been property maintenance violations in recent years or any zoning violations associated with these properties. However, given the condition of the property, it appears to be on the verge of either requiring some major renovation work or possible demolition.

In summary, this lot meets at least criteria "c" and "d" because the current site design, including the placement of the building on the property, and the condition of the structure make it improbable that the private sector, on its own, will find it profitable to redevelop and reuse this site. In addition, if this lot does not qualify on its own, it should still be included in the redevelopment area because of its value related to Route 23 frontage and adjoining lot 11.

### 3.0 STUDY SUMMARY

#### 3.1 PLANNING CONSIDERATIONS

This proposed redevelopment area includes the remnants of the Borough's industrial past, as well as an outdated commercial facility - also a remnant of Franklin's past - which has largely disappeared along most of the other parts of the Route 23 commercial corridor. The Heyer and Gruel document outlines in detail the necessity for redeveloping the old Zinc Mine property, which in their report included both Lots 78 and 80. The remaining lots in this report have been included for several reasons, which are related to the overall planning goals of the community and which can be summarized as follows:

- Lots 1, 72, 76 and 77 are in close proximity to the Zinc Mine site and any comprehensive plan for the Zinc Mine site must include these properties. To do otherwise and to leave them fallow and unproductive, will undoubtedly have a negative impact on the success of the redevelopment of the Zinc Mine site and also the revitalization of Main St.
- Convenient and direct access to Route 23 from the Zinc Mine site and the adjoining Main St area is something that the Borough has been investigating for several years. A number of alternatives have been considered but each has had a number of impediments associated with them that has prevented serious consideration. A preliminary analysis suggests that connecting the Zinc Mine property, with Route 23, via the Rowley property, and Lots 1, 72, 76 and 77 may in fact be possible and will be investigated further in more detail. Any redevelopment plan for this area will focus on that possibility and how to achieve it.

There are a variety of reasons why the Zinc Mine site continues to be an unproductive part of the community and it has long been the subject of much study and discussion. From the Borough's perspective this is a matter that needs to be addressed comprehensively and quickly. Consequently, this urgency has led the Borough to consider both the properties that were part of the original Heyer and Gruel work, together with the additional lots included herein, as a potential "Area In Need of Redevelopment". The purpose in doing so is to facilitate, among other things, the goals and objectives of the 2003 Master Plan, the recommendations contained in the 2009 Master Plan Reexamination Report and selected concepts contained in the Main Street Revitalization Plan prepared in 2006. This "Preliminary Investigation" was authorized in order to determine the feasibility of moving ahead with the Area In Need of Redevelopment designation and ultimately with an updated strategy, which will facilitate the revitalization of the Borough's central core.

#### 3.2 CONCLUSIONS AND RECOMMENDATIONS

All eleven properties that comprise Study Area "A" qualify, as per the requirements of NJSA 40A: 12-5, to be included in a designated redevelopment area. It is recommended that the Borough Council proceed to designate this acreage as **An Area In Need of**

**Redevelopment** . The Borough Council should also take immediate steps to conceptually delineate the alignment for the proposed Zinc Mine / Route 23 connector road, verify its feasibility and estimate the potential construction costs.

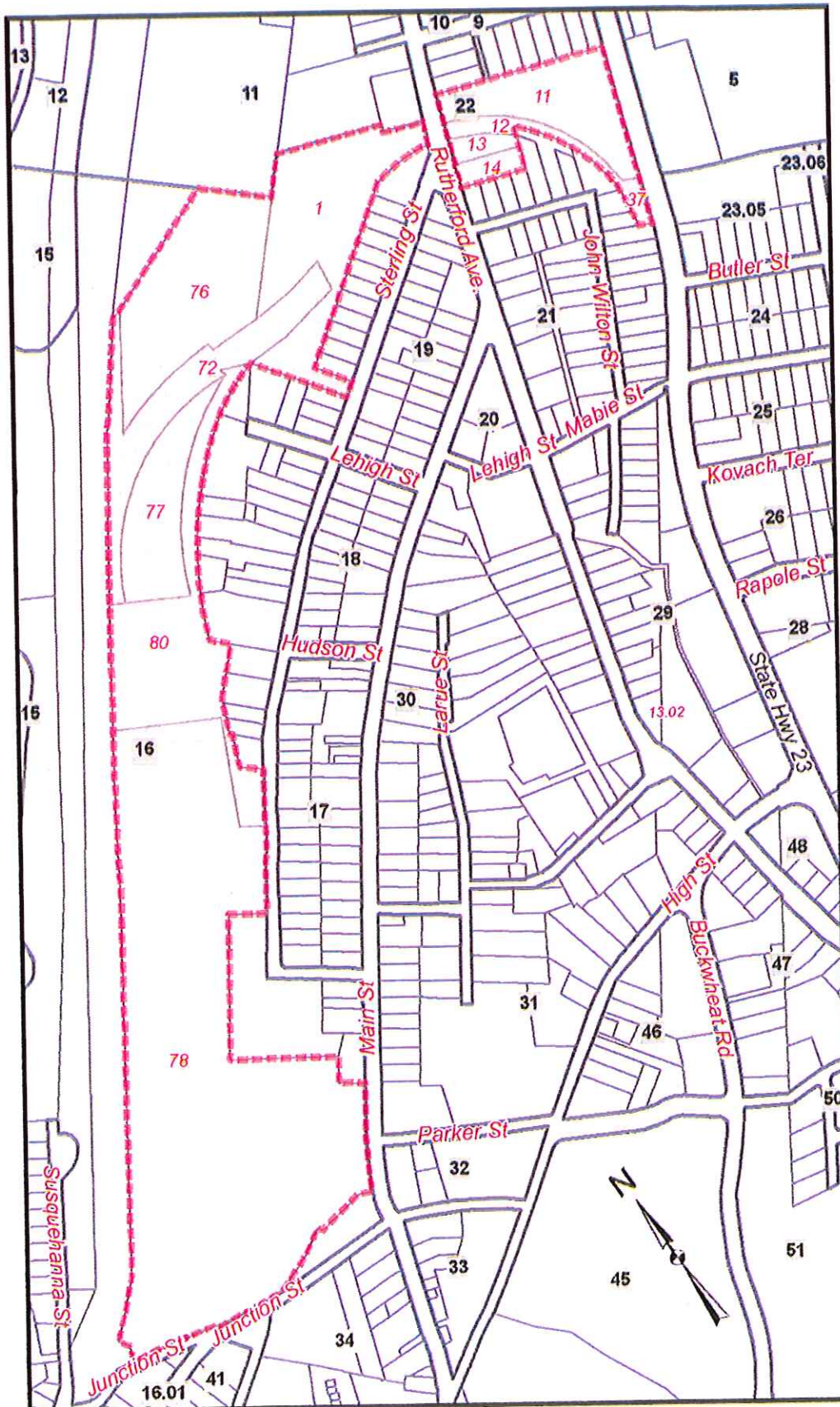
In addition to the importance of moving ahead with a design for the aforementioned connector road, it is also important to note again, how this study area relates to the Main St area and the importance of proceeding with a comprehensive planning effort that includes both. But beyond the necessary planning, there is also the need for an ongoing implementation effort that moves forward in a deliberate way toward the eventual revitalization of this part of the community.

Finally, it must be again emphasized that this document is an addendum to the Heyer and Gruel work undertaken in 2003 and 2004. This report verifies the validity of that work, has concluded for the most part that it is still current and adopts that work as part of this effort. This means that this document must be considered in conjunction with the Heyer and Gruel work in order to have a complete picture of the largest part of Study Area A – lots 78 and 80 in Block 16.

APPENDIX A  
STUDY AREA MAPS

# EXHIBIT 1

## AREA A (ZINC MINE AND RELATED PROPERTIES)



**Legend**  
 □ Parcels  
 ▬ Study Area



January 9, 2012

**Prepared By:**  
 The Nelson Consulting Group  
 2 Volcano Hill Road  
 Wantage, New Jersey



Harold E. Pellow & Associates, Inc.  
 Consulting Engineers  
 C.O.A. #24GA27059300  
 Augusta, N.J.

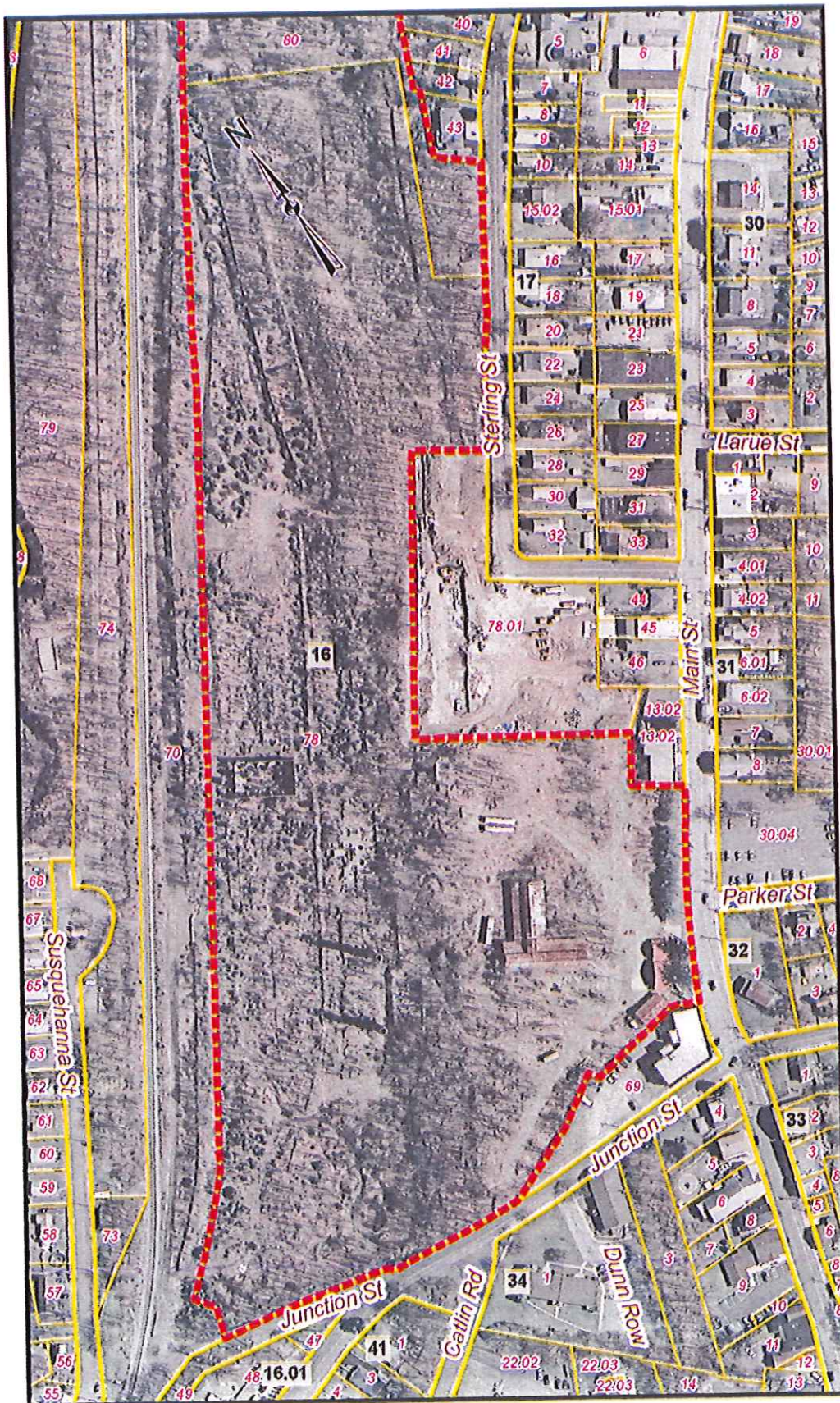
"This map was developed using Sussex County Geographic Information System (SCGIS) digital data, but this secondary product has not been verified by SCGIS and is not county authorized."

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





# EXHIBIT 2

## AREA A (ZINC MINE AND RELATED PROPERTIES)



### Legend

-  Parcels
-  Study Area



January 9, 2012

### Prepared By:

The Nelson Consulting Group  
2 Volcano Hill Road  
Warfage, New Jersey



Harold E. Pelto & Associates, Inc.  
Consulting Engineers  
C.O.A. #24GA27959300  
Augusta, New Jersey

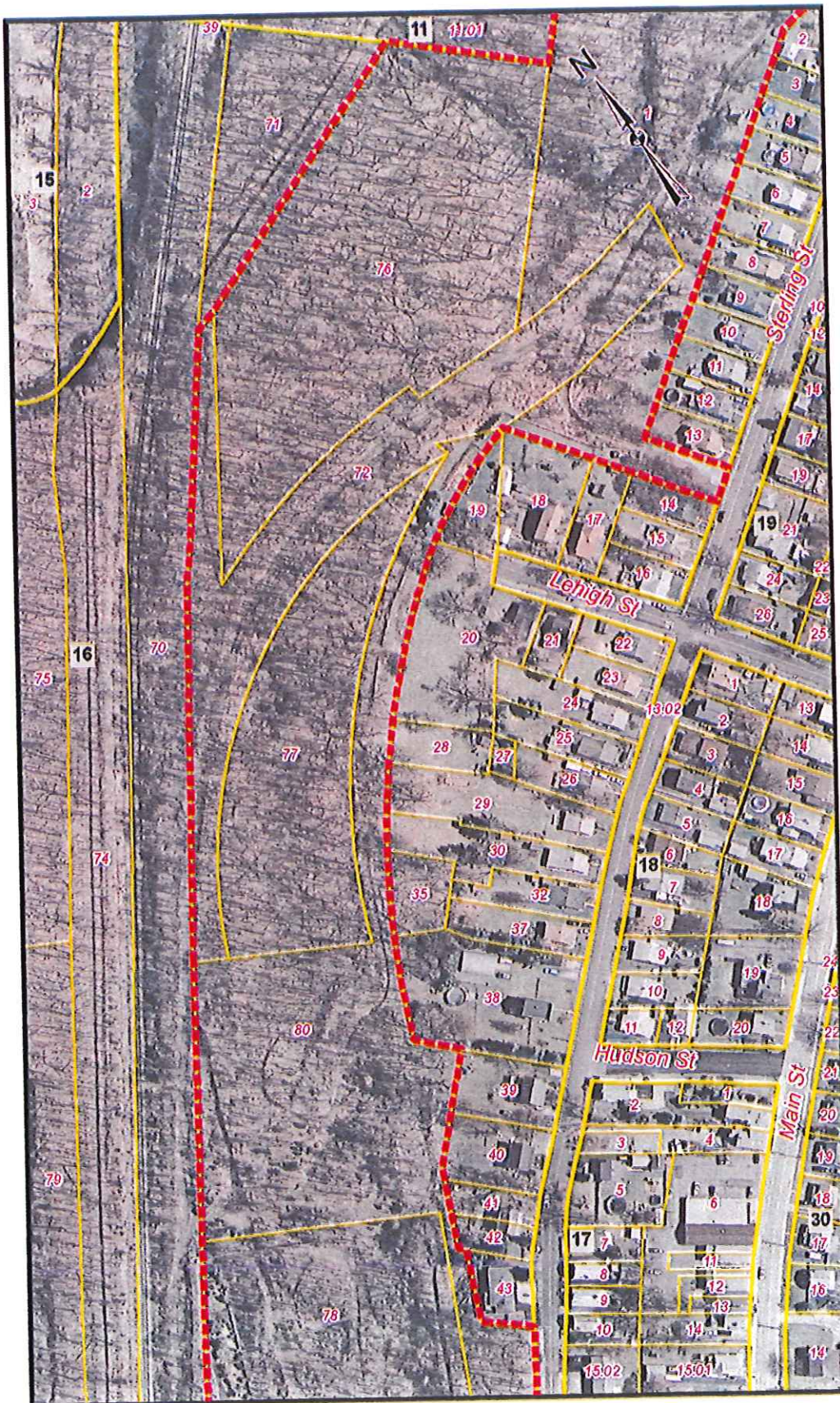
"This map was developed using Sussex County Geographic Information System (SCOGIS) digital data, but this secondary product has not been verified by SCOGIS and is not county authorized."

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





# EXHIBIT 3

## AREA A (ZINC MINE AND RELATED PROPERTIES)



### Legend

-  Parcels
-  Study Area



January 9, 2012

### Prepared By:

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



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

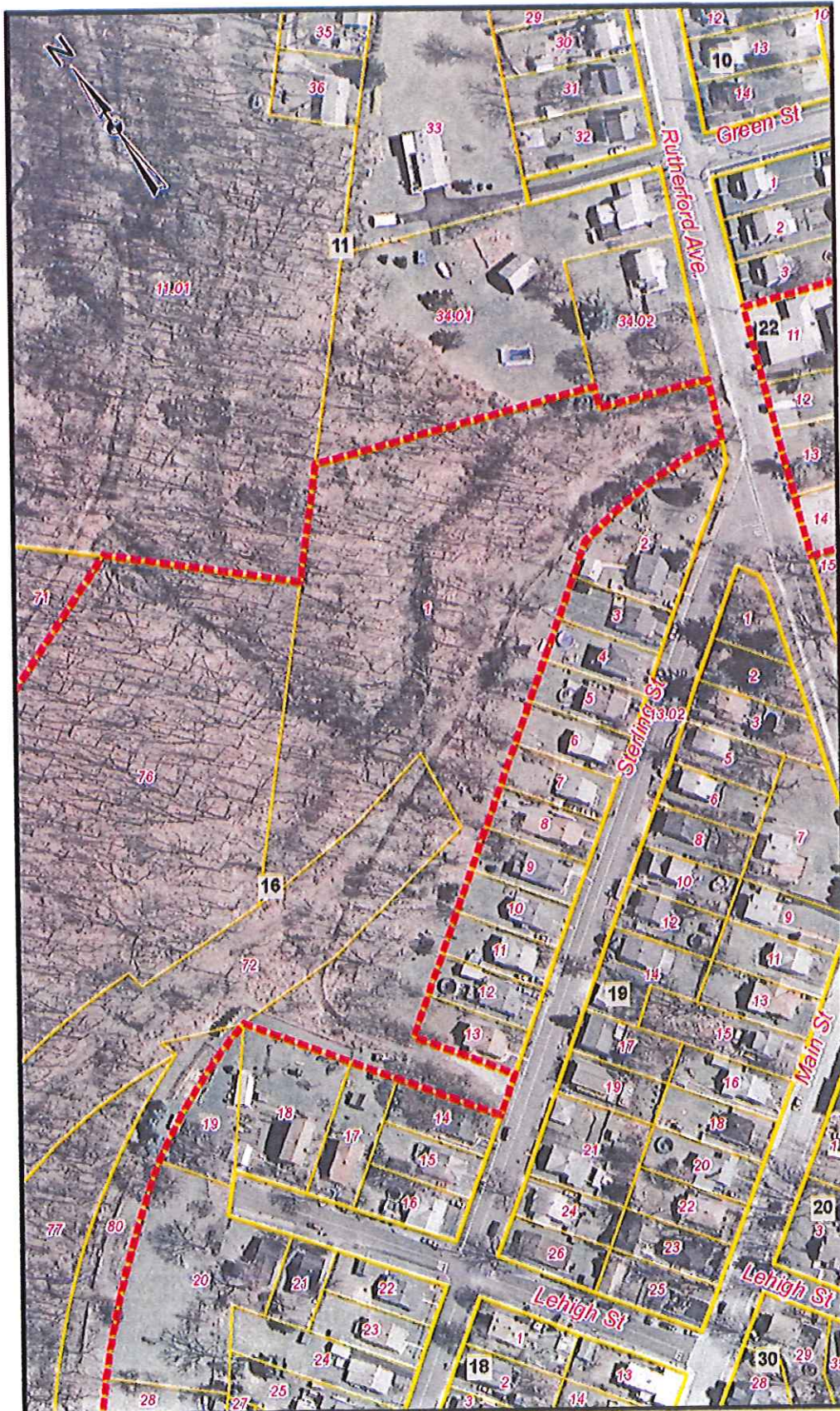
"This map was developed using Sussex County Geographic Information System (SCOGIS) digital data, but this secondary product has not been verified by SCOGIS and is not county authorized."

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



# EXHIBIT 4

## AREA A (ZINC MINE AND RELATED PROPERTIES)



### Legend

- Parcels
- Study Area



January 9, 2012

Prepared By:

The Nelson Consulting Group  
2 Volcanio Hill Road  
Wartage, New Jersey

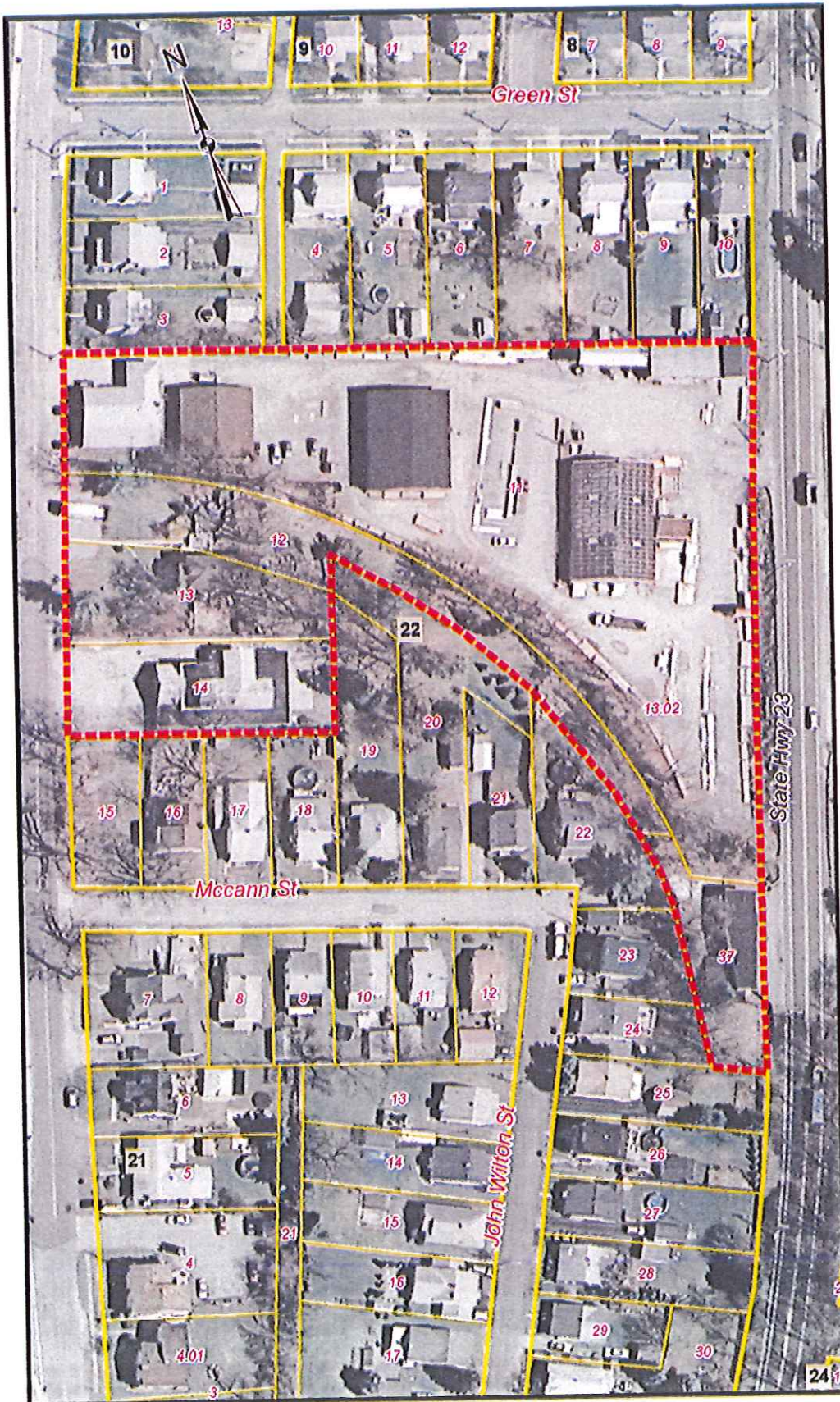


Harold E. Fellow & Associates, Inc.  
Consulting Engineers  
C.O.A. #24GA27959800  
Augusta, N.J.

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

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





# EXHIBIT 5

## AREA A (ZINC MINE AND RELATED PROPERTIES)

### Legend

- Parcels
- Study Area



January 9, 2012

Prepared By:

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



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

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

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

APPENDIX B

SCHEDULE A



LAND DEVELOPMENT  
161 Attachment 2

Borough of Franklin

Schedule A  
Permitted, Conditional and Accessory Uses & Structures  
Borough of Franklin, Sussex County, New Jersey  
[Amended 6-24-2008 by Ord. No. 6-2008; 9-14-2010 by Ord. No. 9-2010]

Legend:  
P = Permitted principal use  
A = Permitted accessory use  
C = Conditional use

Uses	R-1	R-2	R-3	R-4	MF	ZM	B-1	B-2	HC	I	MHP	OS/GU	GC	Q	HMF	NC/2
Detached single-family	P	P	P	P											P	
Apartments					P	Upper floors of upper section only	Upper floors only	Upper floors only							P	C Upper floors only
Attached single-family/townhouses					P		P								P	
Governmental buildings and uses	P	P	P	P	P	P (upper section only)		P	P	P	P		P			
Mixed-use buildings						P (upper section only)	P	P								P
Agricultural uses	P	P	P	P				P	P	P	P					
Mobile home parks											P					
Retail sales and trade						P (upper section only)	P	P	P							P
Financial institutions, non-drive-through						P	P	P	P	P						P
Offices						P	P	P	P	P	P		P			P
Restaurants (non-drive-through)						P (upper section only)	P	P	P	P						P

NOTES:

1. Sec § 161-33F, Quarry Zone, for all permitted, conditional and accessory uses and structures.
2. Amended 3-13-2007 by Ord. No. 6-2007.
3. Note: Any use listed in Schedule A that is not included on the above referenced list is specifically prohibited in the NC Zone.
4. Note: A single use project may include an affordable housing component in addition to any commercial use, if the Planning Board determines that the affordable housing obligation should be addressed on site.

161 Attachment 2:1

10 - 01 - 2010

FRANKLIN CODE

Uses	R-1	R-2	R-3	R-4	MF	ZM	B-1	B-2	HC	I	MHP	OS/GU	GC	Q	HMF	NC <sup>1</sup>
Theaters						C (upper section only)	C	C	P							
Funeral homes						P	P	P	P							
Vocational schools						(upper section only)	P	P								
Art, music, dance and photographic studios and galleries						P (upper section only)	P	P	P	P						P
Medical and dental clinics and health services associated with medical or dental offices						P (upper section only)	P	P	P	P						P
Nonprofit clubs, lodges, fraternal and charitable organizations							P	P	P	P						
Retail and personal service shops						P (upper section only)	P	P	P							P
Animal hospitals										P						
Distribution centers, warehouses										P	P					
Building materials, grain and feed establishments										P						
Automobile sales										C						
Automobile service stations										C	P					
Automotive repair services										P	P					P
Bowling alleys, health clubs and buildings intended for tennis and similar sports activities						P (upper section only)										
Retail greenhouses and nurseries						P (upper section only)		P	P	P						
Hotels and motels																
Golf courses, executive and regulation																

NOTES:

1. See § 161-33F, Quarry Zone, for all permitted, conditional and accessory uses and structures.
2. Amended 3-13-2007 by Ord. No. 6-2007.
3. Note: Any use listed in Schedule A that is not included on the above referenced list is specifically prohibited in the NC Zone.
4. Note: A single use project may include an affordable housing component in addition to any commercial use, if the Planning Board determines that the affordable housing obligation should be addressed on etc.

10 - 01 - 2018

161 Attachment 2:2



LAND DEVELOPMENT

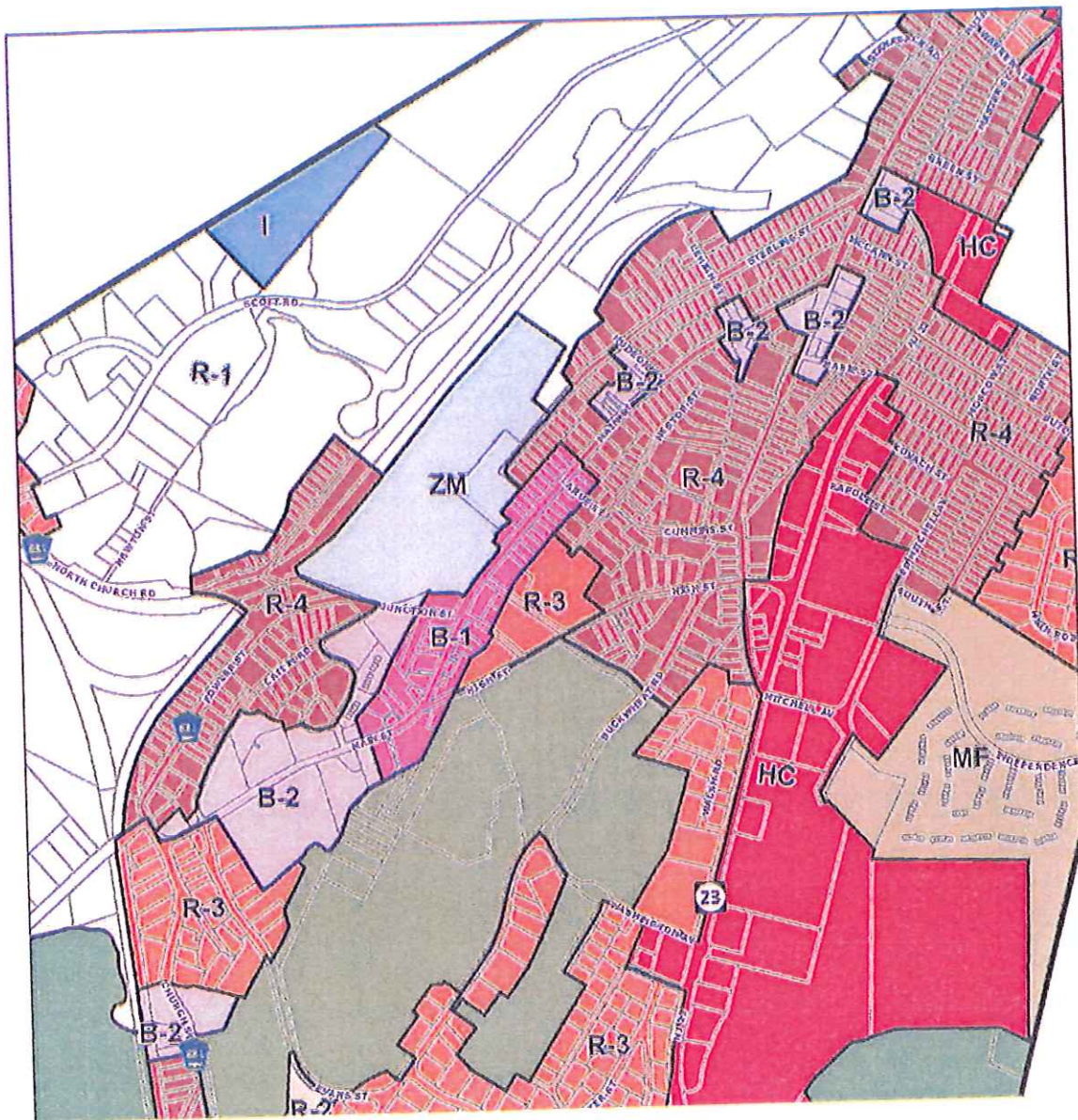
Uses	R-1	R-2	R-3	R-4	MF	ZM	B-1	B-2	HC	J	MHP	OS/GU	GC	Q	HMF	NC <sup>3</sup>
Research laboratories										P						
Manufacturing, fabrication and assembly										P						
Quarries																
Private garages	A	A	A	A	A											
Sheds, gazebos and similar structures	A	A	A	A											A	
Barns, silos and other customary structures in connection with permitted agricultural uses	A	A	A	A	A											
Off-street parking	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Signs	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A
Home occupations	A	A	A	A												
Recreation building and personal facilities	A	A	A	A	A										A	
Houses of worship	C	C	C	C			C	C	C	C						C
Private and public schools	C											C				
Commercial recreation facilities																
Drive-through uses																C
Museums																
Mineralogical landmark uses		C														
Planned adult community																
Outdoor storage									A	A			A	A		A

NOTES:

1. See § 161-133F, Quarry Zone, for all permitted, conditional and accessory uses and structures.
2. Amended 3-13-2007 by Ord. No. 6-2007.
3. Note: Any use listed in Schedule A that is not included on the above referenced list is specifically prohibited in the NC Zone.
4. Note: A single use project may include an affordable housing component in addition to any commercial use, if the Planning Board determines that the affordable housing obligation should be addressed on site.

# APPENDIX C

A PORTION OF THE BOROUGH ZONING MAP

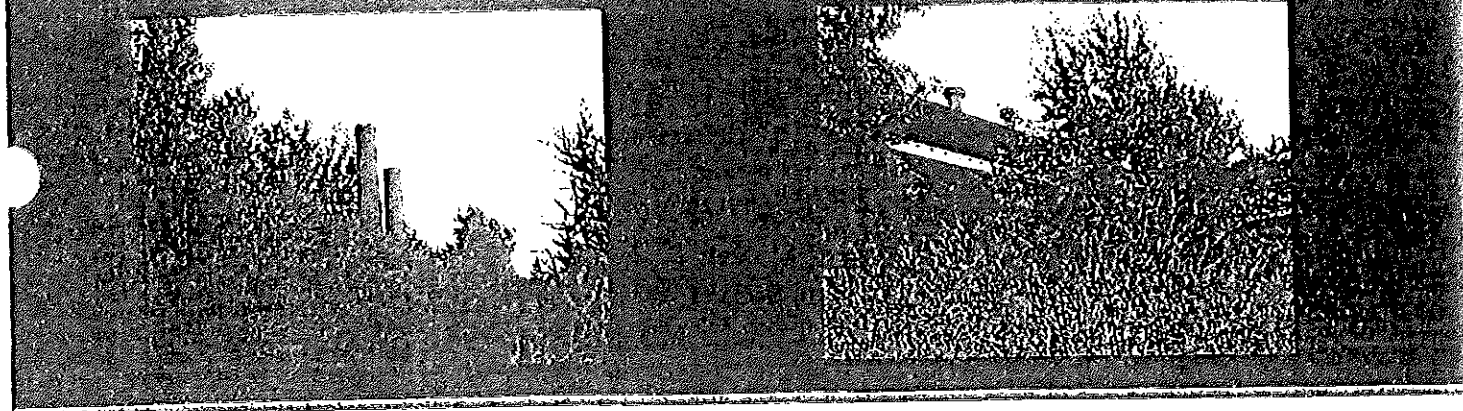


ZONE LEGEND	
<b>Zone Name</b>	
B-1, Main Street Retail	MHP, Mobile Home Park
B-2, Main Street Mixed Use	NC, Neighborhood Commercial
GC, Golf Course	OS/GU, Open Space / Government Use
HC, Highway Commercial	Q, Quarry
HMF, Hospital Multi-Family	R-1, Single Family Residential 5 Acre
I, Industrial	R-2, Single Family Residential 1 Acre
MAAH, Mixed Active Adult Housing Zone	R-3, Single Family Residential 16,000 s.f.
MF, Multi-Family	R-4, Single Family Residential 6,250 s.f.
	ZM, Zinc Mine Mixed Use



*The Borough of* **FRANKLIN**

REDEVELOPMENT AREA DETERMINATION REPORT - ZINC MINE SITE



SUSSEX COUNTY, NEW JERSEY OCTOBER 2003

*Prepared by Heyer, Gruel + Associates*



# Redevelopment Area Determination Report Zinc Mine Site

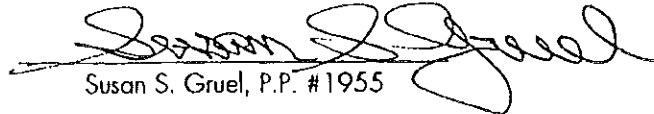
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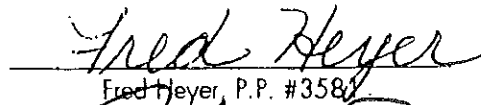
October 2003

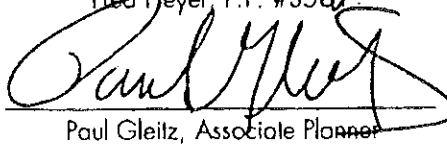
Prepared by

Heyer, Gruel & Associates  
Community Planning Consultants  
63 Church Street, 2nd Floor  
New Brunswick, New Jersey 08901  
732-828-2200

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

  
Susan S. Gruel, P.P. #1955

  
Fred Heyer, P.P. #3581

  
Paul Gleitz, Associate Planner

## REDEVELOPMENT AREA DETERMINATION REPORT

### ZINC MINE SITE

#### INTRODUCTION

The purpose of this report is to determine whether the portion of Franklin Borough, Sussex County, shown on the Redevelopment Area Study Area Map, referred to herein as the Study Area, qualifies as a "redevelopment area" as defined in the Local Redevelopment and Housing Law (the "LRHL"). This report is written pursuant to Section 6 of the LRHL, which provides the following:

- a. No area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by resolution, authorize the planning board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to the criteria forth in Section 5 of P.L. 1992/c.79 (C.40A:12A-5)... The governing body of a municipality shall assign the conduct of the investigation and hearing to the planning board of the municipality.
- b. (5) After completing its hearing on this matter, the Planning Board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the municipal governing body to be a redevelopment area. After receiving the recommendation of the planning board, the municipal governing body may adopt a resolution determining that the delineated area, or any part thereof, is a redevelopment area.

The Borough of Franklin Council, in a Resolution dated May 13, 2003 authorized the Planning Board of Franklin to "conduct a preliminary investigation pursuant to the Local Development Housing Law". On June 16, 2003 the Franklin Borough Planning Board authorized a preliminary examination of Block 16, lots 78 and 80, the 28+/- acre area commonly known as the "Zinc Mine Property", to determine if the property is appropriate as a redevelopment area according to the criteria set forth in N.J.S.A. 40A:12A-5.

This report serves as the "statement setting forth the basis for the investigation" which is required by Section 6(b) of the LRHL.

### Zinc Mine Study Area and Location

The Borough of Franklin is 4 square miles in size located along Route 23 in southeast Sussex County. Franklin Borough is bordered by the Borough of Hamburg to the north, Hardyston Township to the east and west and with Sparta Township and the Borough of Ogdensburg to the south.

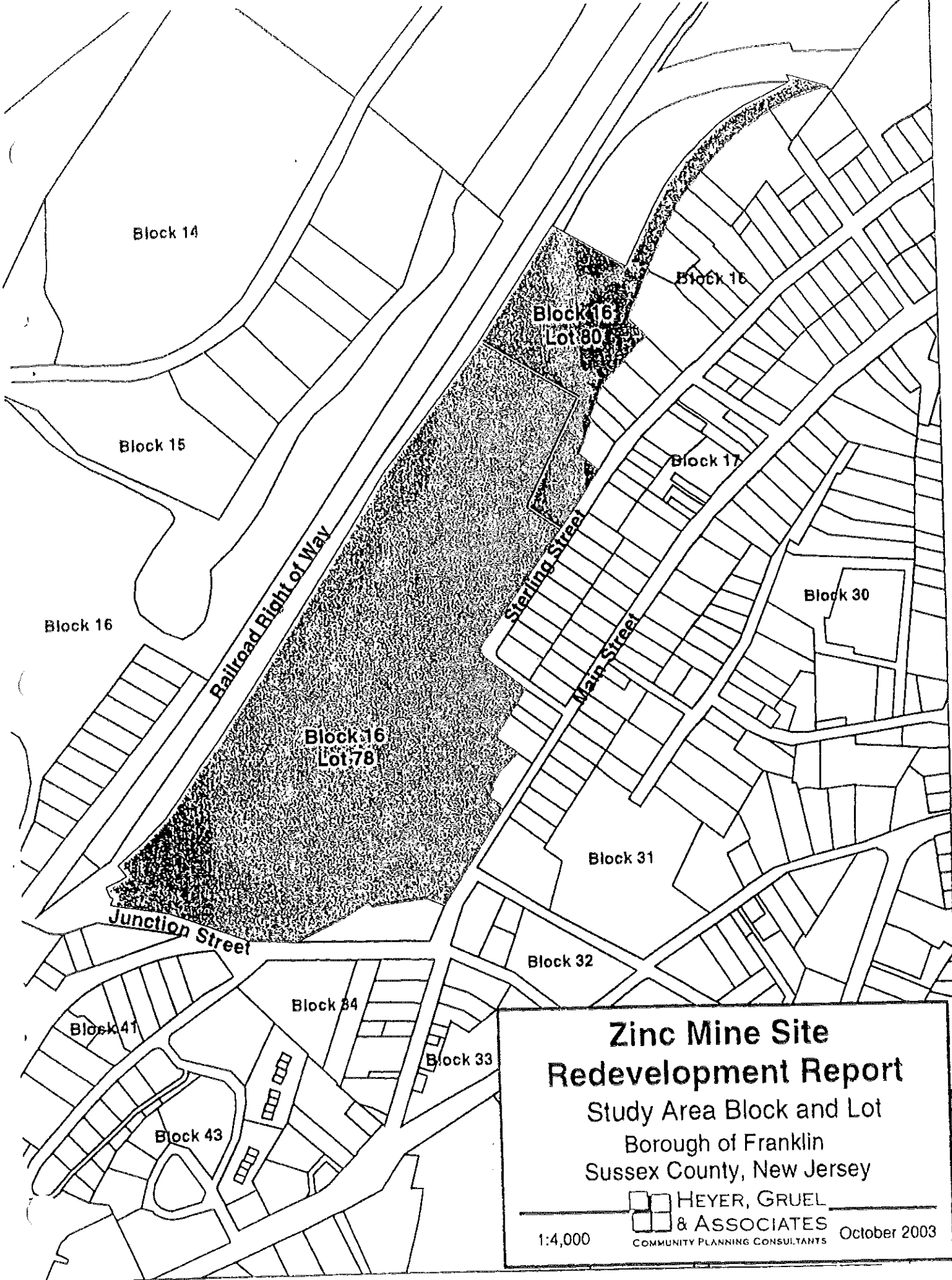
The Zinc Mine Site (Study Area) is located primarily west of Main Street and Sterling Street, north of Junction Street, west of the abandoned New York, Susquehanna and Western Railroad Right of Way and south of adjacent vacant land and an abandoned spur of the New York, Susquehanna and Western Railroad.

The area is defined as Block 16, Lots 78 and 80 in Municipal Tax Records and consists of approximately 28+/- acres. The site can be considered to have two development "Areas" divided by 4.5 acres of very steep slopes in excess of 25 percent. The "Upper Area" is approximately 12.5 acres adjacent to the Main Street side of the site and the "Lower Area" is approximately 11 acres adjacent to the abandoned right of way.

The Study area is the former New Jersey Zinc Company site. The active mine consisted of a change house and time office, mine shaft, ore hoist, boiler plant, ore crusher and separator and processing plant with two large smokestacks. Many of these structures were removed or have deteriorated. The two smoke stacks remain, as do the change house/time office and several large bins in deteriorated condition, as well as other deteriorated structures or foundations.

Since the closing of the mines in 1954, the only other use of the site was as a chemical plant for pharmaceutical components by Northern Fire Chemical Company in the change house/time office. The plant suffered an explosion in 1977 from processes in violation of local codes, destroying the interior of the buildings and ending use of the site. The NJDEP completed a cleanup of toxic substances in 1980.

The site has remained vacant since and police records indicate continuing problems with vandalism, trespassing, vagrancy, theft, off-road vehicle use and juvenile delinquency. The NJDEP has since terminated a 1993 Memorandum of Agreement (MOA) with the property owner to conduct remediation at the site, placing the site on the NJDEP Comprehensive Site List.



# Zinc Mine Site Redevelopment Report

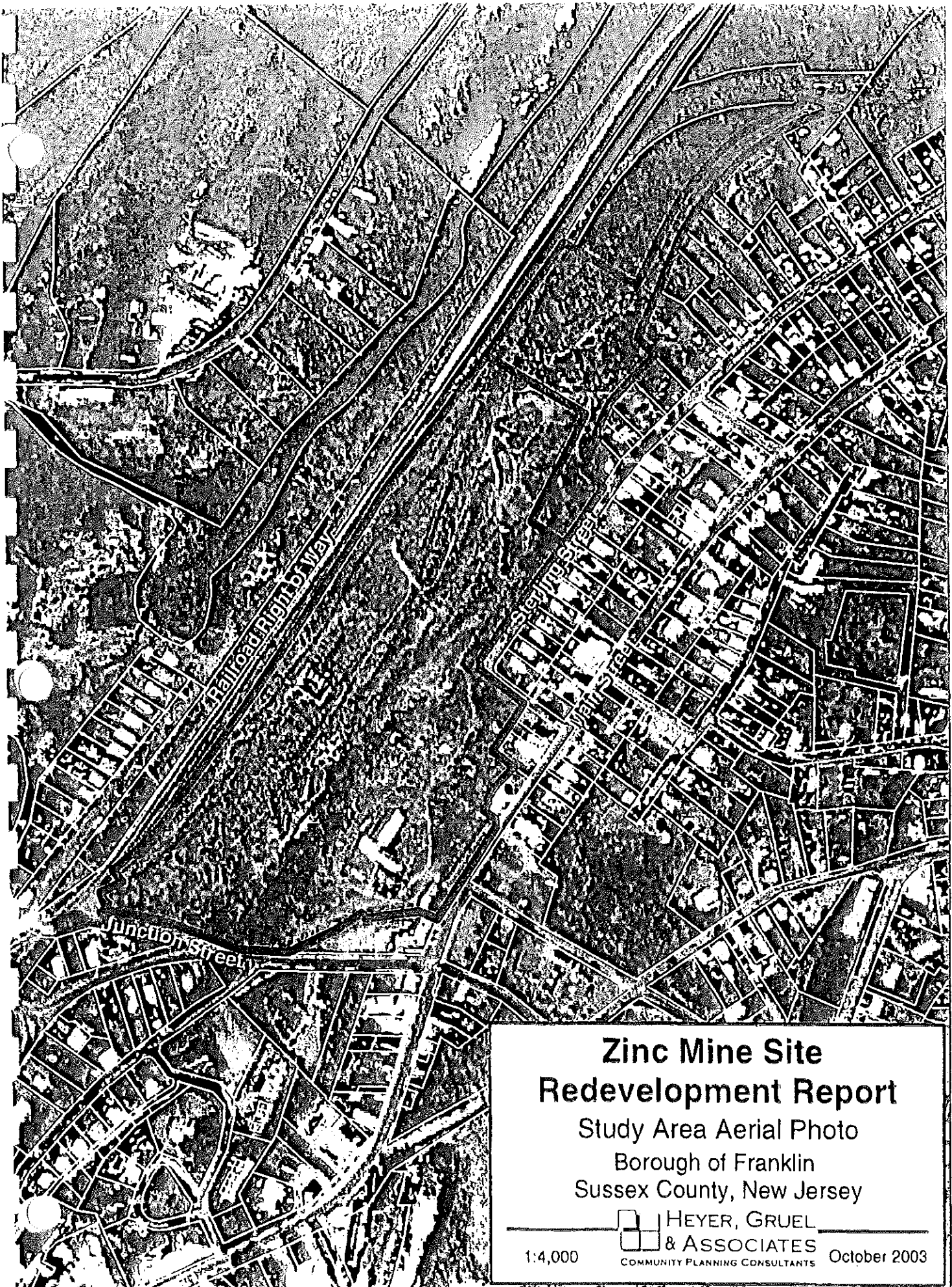
Study Area Block and Lot  
Borough of Franklin  
Sussex County, New Jersey

 HEYER, GRUEL  
& ASSOCIATES  
COMMUNITY PLANNING CONSULTANTS

1:4,000

October 2003





# Zinc Mine Site Redevelopment Report

Study Area Aerial Photo  
Borough of Franklin  
Sussex County, New Jersey

HEYER, GRUEL  
& ASSOCIATES  
COMMUNITY PLANNING CONSULTANTS

1:4,000

October 2003

### Criteria for Redevelopment Area Determination

The criteria contained in Section 5 of the LRH that were considered in evaluating the Study Area are the following:

- a. The generality of buildings are substandard, unsafe, unsanitary, dilapidated or obsolescent, or possess any of such characteristics or are so lacking in light, air or space, as to be conducive to unwholesome living or working conditions.
- b. The discontinuance of the use of buildings previously used for commercial, manufacturing or industrial purposes; the abandonment of such buildings or the same being allowed to fall into so great a state of disrepair as to be untenable.
- c. Land that is owned by the municipality, the county, a local housing authority, a redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to the adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of such municipality, topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.
- d. Areas with buildings or improvements, which by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals or welfare of the community.
- e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership or real property therein or other conditions, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare.
- f. Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by action of storm, fire cyclone, tornado, earthquake, or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.

g. In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act," P.L. 1983, c.303 (C52: 27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L. 1992, c.79 (C:40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L. 1991, c.431 (C40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L. 1991.

Furthermore, Section 3 of the LRHL permits the inclusion of parcels necessary for the effective redevelopment of the area by stating:

A redevelopment area may include land, buildings, or improvements, which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area in which they are a part.



### Existing Zoning

The Study area is completely contained within the Blighted Area Rehabilitation (BAR) District. The BAR zone was established by ordinance amendment in 1982. It applies to the former New Jersey Zinc Company property west of Main Street and north of Junction Street. It also extends across the Railroad to include land in the vicinity of Susquehanna Street bordering on the Walkill River. The more significant features of the zone are as follows:

- Permitted uses include one-family dwellings, townhouses, apartments, senior citizen housing, B-1 and B-2 zone uses, parks and playgrounds, clubhouses and community centers.
- The minimum lot size is 20 acres.
- The maximum density of the Zinc Company property proper is 5 units per acre plus any units that are permitted to be transferred from other sections of the zone.
- Under no circumstances may the total number of units on this part of the zone exceed 238.
- Not more than 20% of the Zinc Company property proper may be devoted to commercial uses.
- Portions of the zone lying west of the Railroad are governed by the R-1 zone regulations.

For the complete zoning requirements and definitions for the BAR district, see Appendix 2.

### Master Plan Objectives and Guiding Principles for the Study Area

The 2003 Franklin Borough Master Plan contains a statement of Goals, Objectives, Principles, Assumptions, Policies and Standards upon which the community's comprehensive Master Plan for physical, economic and social development of the community is based. The Master Plan is based upon a set of goals and objectives that have been developed over time by the Borough of Franklin and its citizens. The Master Plan goals represent an evaluation and refinement of previous Master Plans. New goals have been introduced in response to present conditions. These goals and objectives are categorized according to the corresponding Master Plan elements. What follows are the Master Plan Goals and Objectives that relate to the Study Area.

### LAND USE

- Revitalize the Main Street area.
- Strengthen existing commercial districts and corridors by encouraging a mix of uses that provide employment, retail opportunities, services and entertainment.
- Encourage the redevelopment of the zinc mine site as a new downtown for the Borough.
- Establish an 'Open Market Area' on the zinc mine site to help build on the local character.

- Regulate building and site design to assure that the overall character of the Borough is maintained and enhanced.
- Assure that the character of individual structures, group of structures and developments are within the scale and style of existing neighborhoods.
- Promote "Smart Growth" principles.
- Encourage the reuse of vacant non-residential buildings.

#### CIRCULATION

- Improve wayfinding signage on major roads and at gateway locations to facilitate circulation and to identify the route to key activity centers and destinations in the Borough.
- Improve public parking, particularly for the Main Street area, the Open-Air Market Area, retail and restaurant facilities.

#### COMMUNITY FACILITIES

- Maintain and enhance the existing high level of community facilities consistent with the character and development of the Borough.
- Work towards improving accessibility by having handicapped accessible meeting facilities.

#### PARKS AND RECREATION

- Enhance the recreation opportunities of the Borough through better use of current facilities through the addition of new parks and trails, and through promotion of these amenities to the residents of Franklin.
- Create stronger pedestrian connections between schools, Franklin Pond, Main Street and other local and regional parks and open space.

#### CONSERVATION

- Use all available tools to protect and preserve environmentally sensitive natural resources of the Borough.

#### UTILITIES

- Utilize utility plans as a growth management tool by extending infrastructure only in areas intended for growth.

## HISTORIC PRESERVATION

- Promote the history of Franklin, especially its mining history, as part of the Borough's revitalization efforts.
- Review the potential of integrating historic sites into parks and open space.
- Respect the Zinc Mine Historic District when making land use policies and decisions.
- Continue to support the activities of the Franklin Historical Society including its museum.
- Review the potential of a more comprehensive museum dedicated to the history of Franklin, its people, and their cultures.

The 2003 Franklin Borough Master Plan also contains a detailed list of recommendations for various parts of the Borough, including the Study Area.

The Zinc Mine site, which provides a connection from Main Street to the Rails to Trails corridor, is a centerpiece for the redevelopment of the Main Street area. The most significant recommendations of this Plan are to create a new village center on this site and to establish a flea market auction and farmers market on the lower area. The Zinc Mine site could be redeveloped as the cultural place where residents and daytrippers enjoy a flea market, an art auction, and samples of artisan's work. It would also give the local community opportunities to enjoy cultural life, in addition to attracting visitors from outside the Borough. By regularly providing art events and publishing newsletters promoting these events, repeat visitors would be attracted to the Borough attracting visitors, redevelopment would stimulate other businesses such as restaurants, theaters, and the tourism industry.

Other elements of this Plan are to create a village green with parking at the intersection of Parker and Main Streets, and to provide open space and parking in the remainder of the lower area. Constructing stairs to connect the lower and upper areas and reusing the 'Change House' for offices and retail related to the flea market are also recommended.

New infill buildings are proposed to be developed around a village green. The new buildings would be mixed use with retail on the first floor and residential/office on the upper floors. Buildings with a minimum of two stories are proposed with a maximum height of 3 stories. The existing Change House should be the key building. No new buildings should be larger in size and scale than the Change House.



The flea market, farmers market, and auction house are proposed on the lower area of the Zinc Mine site near parking and adjacent to the trails-to trails and rail line. This area could accommodate one or more of the following: flea market, farmers market, and auction. With appropriate design and management, all three of these uses could co-exist on a determined time schedule.

#### Evaluation of the Study Area for Conformity with Redevelopment Area Criteria

As the Industrial revolution progressed in the 19th Century, Franklin became home to many industries based on the extraction of natural resources. Mining offered many jobs. The mine acted as the incubator of town life and business. By the Civil War, Franklin's mines and the Main Street area were booming. Franklin flourished as businesses grew. Companies such as the Franklin Iron Company, the New Jersey Zinc Company and many others employed hundreds of blue-collar workers, many of them immigrants.

The foundations of the Borough's economy - the mining of fluorescent minerals - would not continue to fuel the Borough's economic engine. In 1954, the last of the ore was extracted from the zinc mine, slowing the growth of Franklin and changing the pattern of business and development. Route 23 became the focus for development, as the citizens drove for groceries, clothing and other household items. This key transportation corridor absorbed most of the growth in the Borough. The transfer of the Post Office from Main Street to Route 23 signaled the trend of this age: away from Main Street, towards the highway. Many buildings along Main Street were converted from commercial to residential uses. The old Main Street core slowly melted away.

Since the closing of the mines in 1954, the only other use of the site was as a chemical plant for pharmaceutical components by Northern Fire Chemical Company in the change house/time office. The plant suffered an explosion in 1977 from processes in violation of local codes, destroying the interior of the buildings and ending use of the site. The NJDEP completed a cleanup of toxic substances in 1980.

The site has remained vacant since and has had continuing problems with vandalism, trespassing, vagrancy, theft, off-road vehicle use and juvenile delinquency. The NJDEP has since terminated a 1993 MOA with the property owner to conduct remedial at the site, placing the site on the NJDEP Comprehensive Site List.

In March 2003 the NJ DEP and the NJ Spill Compensation Fund filed suit against the current owner, F. I. Realty Company to "recover cleanup and removal costs they have incurred, and will incur, as a result of the unsatisfactory storage or containment of hazardous substances at the Northern Fine Chemicals,

Inc. site (Site)..." and "reimbursement under the Spill Act for the damages they have incurred, and will incur, for any natural resources of this State that has been, or may be, damaged or destroyed by the contamination of the site."

The allegations in the suit include that between 1974 and 1977, NJDEP inspected the site several times, while leased to the Northern Fine Chemical Company, and found substantial quantities of oil in a stream and chemical waste leaching from an abandoned building. Inspections by NJDEP following the explosion in 1977 found a powder-like residue covering everything in the area.

From 1977 through 1980, NJDEP, Sussex County Health Dept. and Franklin Township Board of Health conducted a series of site inspections observing a number of drums throughout the site, two lagoons with perforated liners and several tanks with unknown liquids in them. Samples taken at the time revealed levels of hazardous substances in excess of NJDEP cleanup criteria in the soils and evidence of groundwater contamination.

In March 1980, NJDEP issued a directive to F.L. Realty directing the initiation of a number of site remediation measures. That same month, F.L. Realty informed NJDEP that it was unable to comply, requiring NJDEP to perform the remediation with public funds. The NJDEP then went on to file liens on the property to recoup costs. The suit filed in 2003 is seeking reimbursement for all clean up and removal costs and is seeking a judgment of three times the clean up and removal costs as permitted under statute as well as assessments for natural resources and costs and fees.

An analysis of the Study Area's existing land use, physical characteristics and accessibility was conducted using tax records, aerial photography, public information and visual inspections. The Study Area analysis indicates that the Study Area meets the "a", "b", "c", "d", and "e" criteria as established by Section 5 of the LRHL as a Redevelopment Area.

The New Jersey Zinc Company Mine Site (Study Area).

Block 16, lot 78  
95 Main Street  
Franklin Borough

Owner: F.L. Realty, Inc.  
C/O Richard Doran  
1 Howe Avenue  
P.O. Box 146  
Passaic, NJ 07055

Assessed Acres: 21.25  
Assessed Land Value: \$230,700.00  
Assessed Improvement Value: \$45,000.00  
Assessed Total Value: \$275,700.00

Block 16, lot 80  
19 Sterling Street  
Franklin Borough

Owner: NJ Zinc Co., Inc.  
C/O Horsehead Ind.  
110 E. 59<sup>th</sup> Street  
New York, NY 10022

Assessed Acres: 3.67  
Assessed Land Value: \$44,400.00  
Assessed Improvement Value: \$0.00  
Assessed Total Value: \$44,400.00

Criteria for Redevelopment Area Determination Met by Study Area

- a. The generality of buildings are substandard, unsafe, unsanitary, dilapidated or obsolescent, or possess any of such characteristics or are so lacking in light, air or space, as to be conducive to unwholesome living or working conditions.

The existing buildings on site are in disrepair. The change house/time office suffered an explosion in 1977 and has vacant windows and doors. Debris covers large areas of the site. The smoke stacks are still standing and appear to be stable, but their true condition is not known at this time. The remaining structures are partial and crumbling, showing signs of weathering and fire. Partial foundations remain and any open holes may pose a threat to public safety.

- b. The discontinuance of the use of buildings previously used for commercial, manufacturing or industrial purposes; the abandonment of such buildings or the same being allowed to fall into so great a state of disrepair as to be untenable.

The last industrial use of the site was in 1977 and was discontinued following an explosion caused by processes in violation of local codes. While much of the façade of the change house/time office appears to be salvageable for historic preservation purposes, the interior is gutted and exposed to the elements and not usable at this time. Debris litters much of the "Upper Area" of the site adjacent to the change house/time office. The steeply sloped areas resemble talus slopes with large areas of exposed rocks and mine tailings. The "Lower Area" houses crumbling storage bins and foundations, as well as the smoke stacks.



- c. Land that is owned by the municipality, the county, a local housing authority, a redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to the adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of such municipality, topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.

Portions of the property have remained unused since the mine closed in 1954. Only the "Upper Area" has seen use since and the chemical manufacturing occurring on site in the change house/time office ceased in 1977 following an explosion due to the manufacturing process.

The entire western side or "Lower Area" of the property is adjacent to the inactive New York, Susquehanna and Western Railroad Right of Way, which is unimproved and unpaved. There is a gated access point at the intersection of the right-of-way and Junction Street. Junction Street is steeply sloping and should be considered limited in its ability to provide access to the site. The main point of access for the eastern side or "Upper Area" is adjacent to the Franklin Museum on Main Street, across from the Municipal Parking Lot. The change house/time office is visible from Main Street. The "Upper Area" of the site is also accessible by Mill Street and Sterling Street, small residential side streets that should also be considered limited in their ability to provide access to the site. The remainder of the site is separated from surface streets by residential development. The entire site has only two tenable access points, the intersection of Junction Street and the right-of-way and Main Street adjacent to the Franklin Museum.

The 4.5 acres of severely steep slopes that traverse the length of the property also present a challenge to development. The steep slope effectively divides the property into two and could not be overcome by grading alone. Switchbacks and stairways will be necessary to tie the property together.

- d. Areas with buildings or improvements, which by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals or welfare of the community.

Portions of the property have remained unused since the mine closed in 1954. Only the "Upper Area" has seen use since and the chemical manufacturing occurring on site in the change house/time office

ceased in 1977 following an explosion due to the manufacturing process. The remaining buildings are dilapidated and not secure.

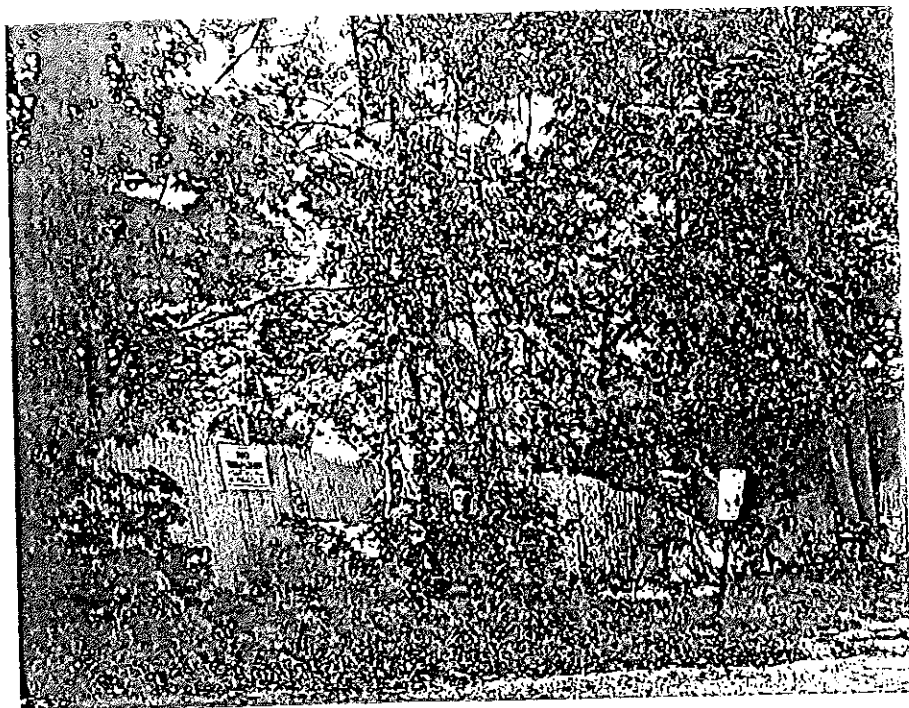
The site has remained vacant since 1977 and has had continuing problems with vandalism, trespassing, vagrancy, theft, off-road vehicle use and juvenile delinquency. The NJDEP has since terminated a 1993 MOA with the property owner to conduct remedial at the site, placing the site on the NJDEP Comprehensive Site List. The continued disuse of the site, inability to deter trespassers and possible continuing contamination of the site pose a threat to the health and safety of the community.

- e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership or real property therein or other conditions, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare.

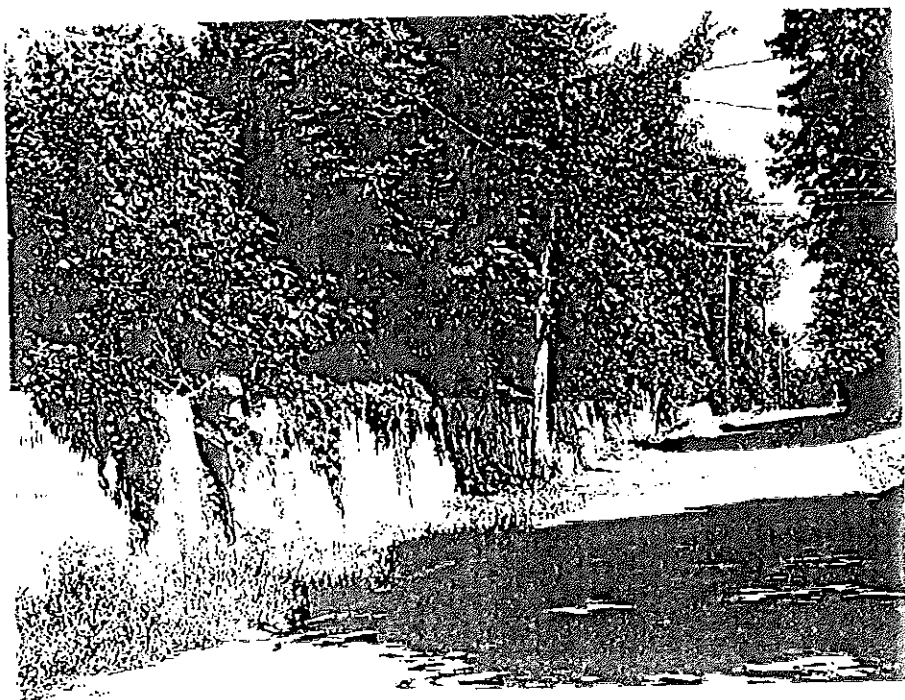
The study area has remained vacant in part since 1954 and in whole since 1977. Portions of the property sit along Main Street and potentially link the Main Street Corridor to the Rail to Trail network presented by the abandoned New York, Susquehanna and Western Railroad Right of Way. This is a key property in the center of town that will be instrumental to the redevelopment of the Main Street corridor of Franklin Borough. To allow the property to remain undevelopable and in a state of disrepair and dilapidation would threaten the recovery of the Main Street Corridor.

The study area contains buildings in disrepair and of obsolete design. The area poses a public safety and health risk. It has remained vacant for decades and has limited access to surface roads and adjacent development. The severely steeped slopes that traverse the property limit development potential. The continued success of Main Street redevelopment relies on the proper redevelopment of the site.

Appendix 1:



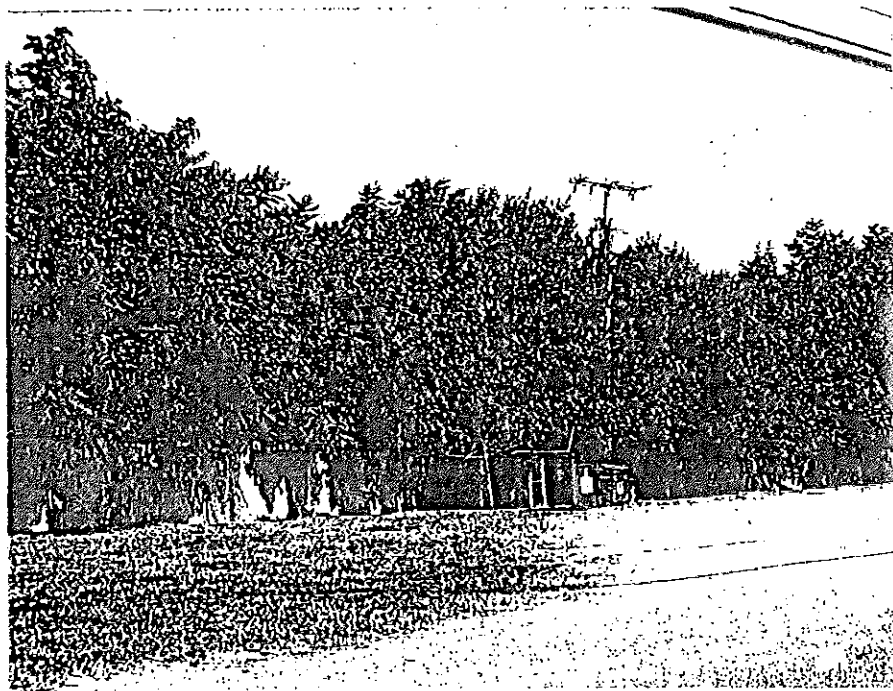
Access along Mill Street



Access along Sterling Street

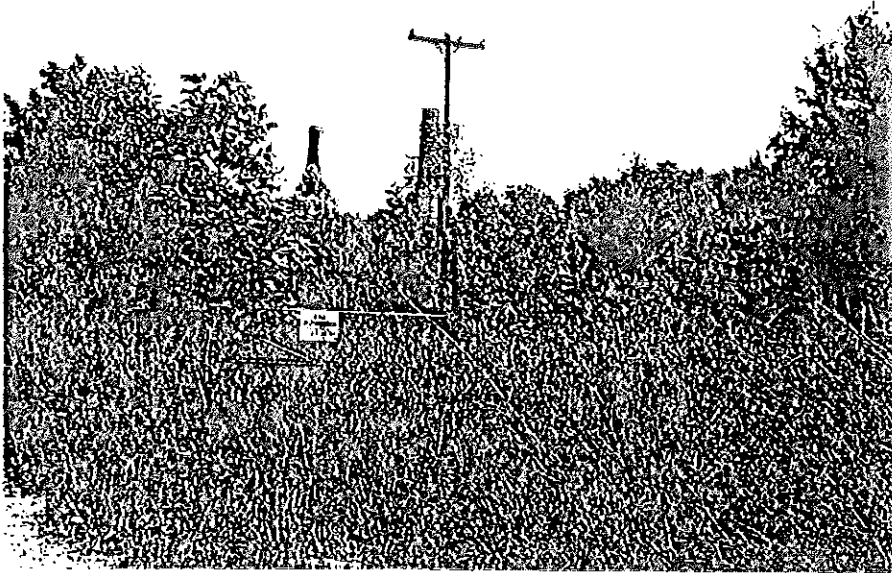


Access along Main Street

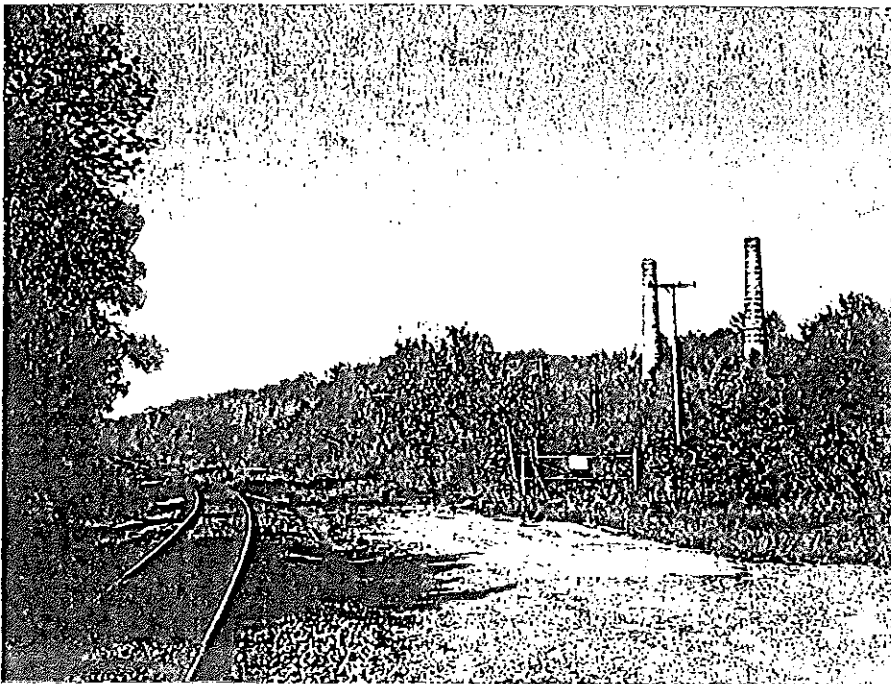


Access along Junction Street





Access at intersection of Junction Street and Railroad ROW



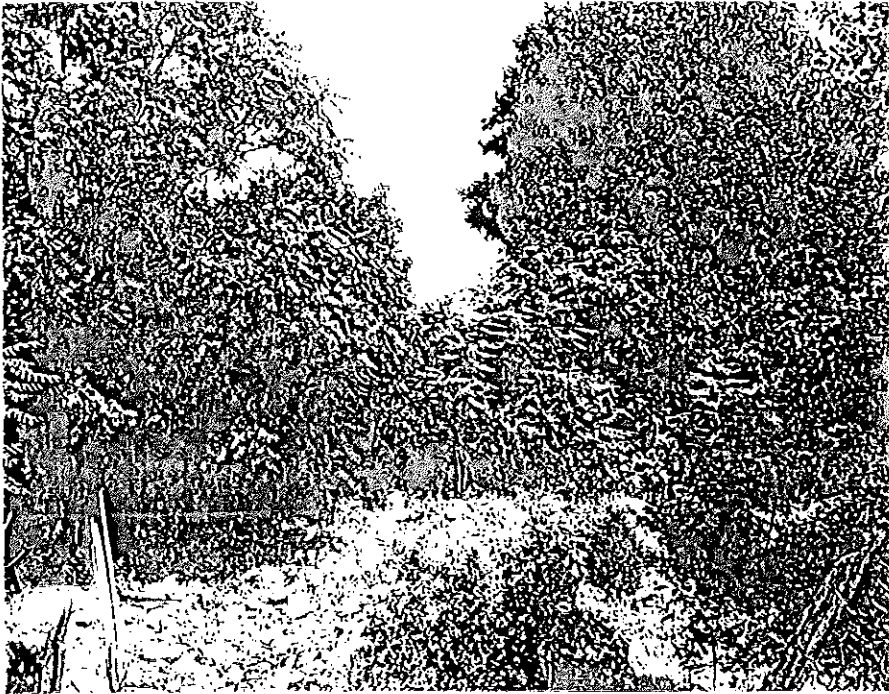
Access along Railroad Right of Way



Gate between lot 78 and lot 80



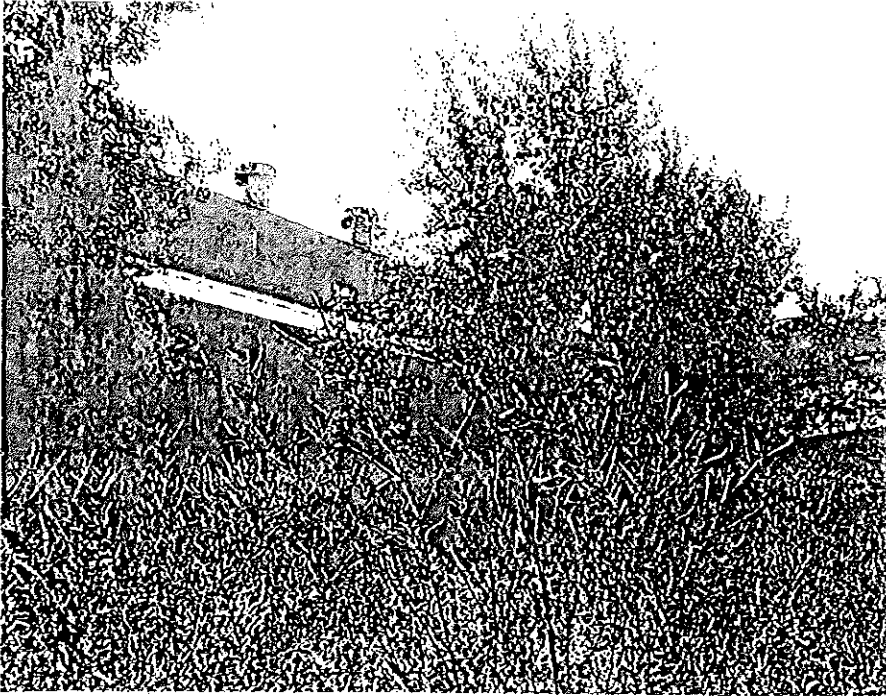
Fence between lot 78 and 80



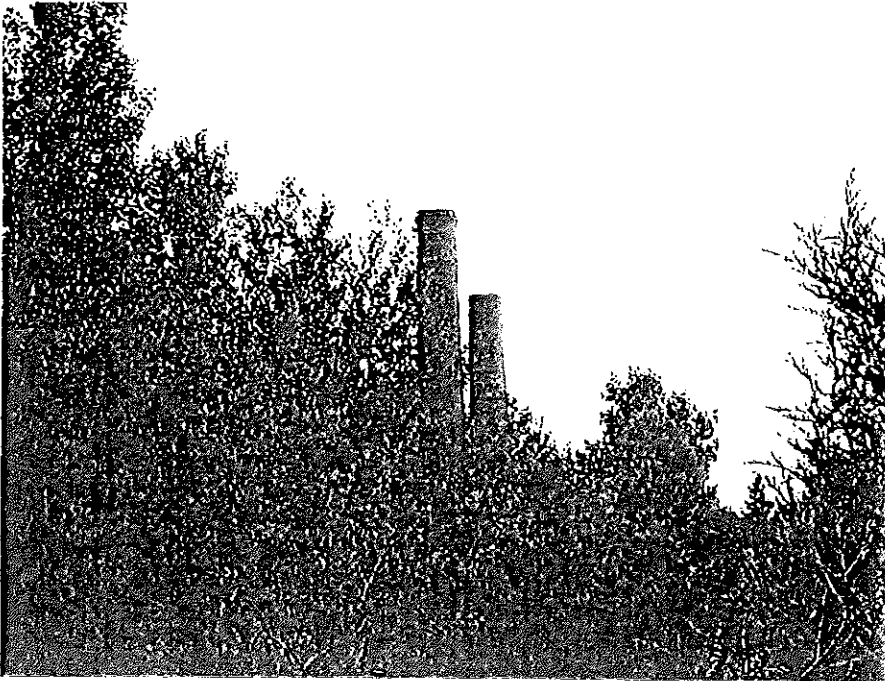
Mine tailings on slope



Mine tailings on slope

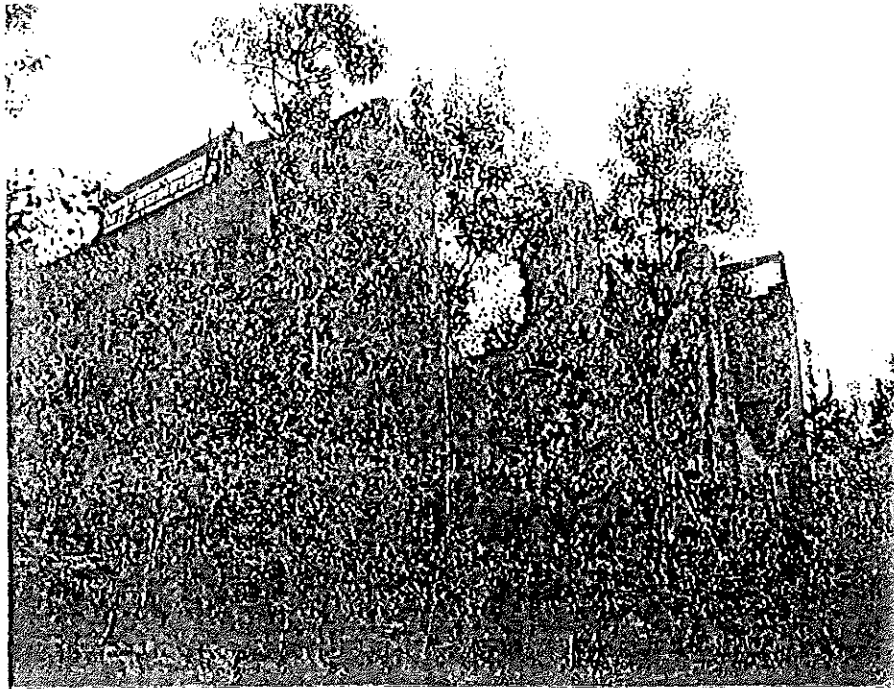


Change house/time office



Smoke Stacks

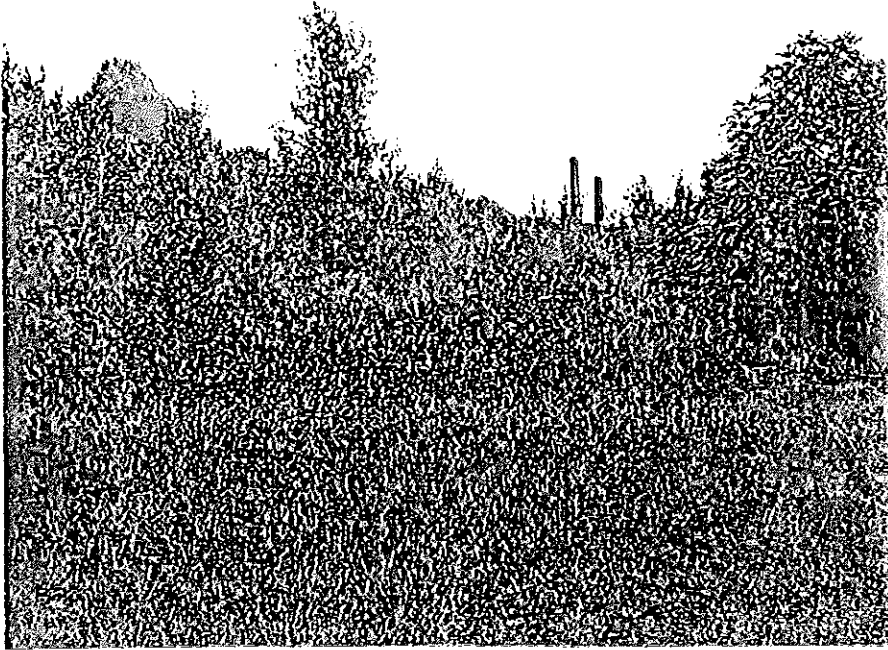




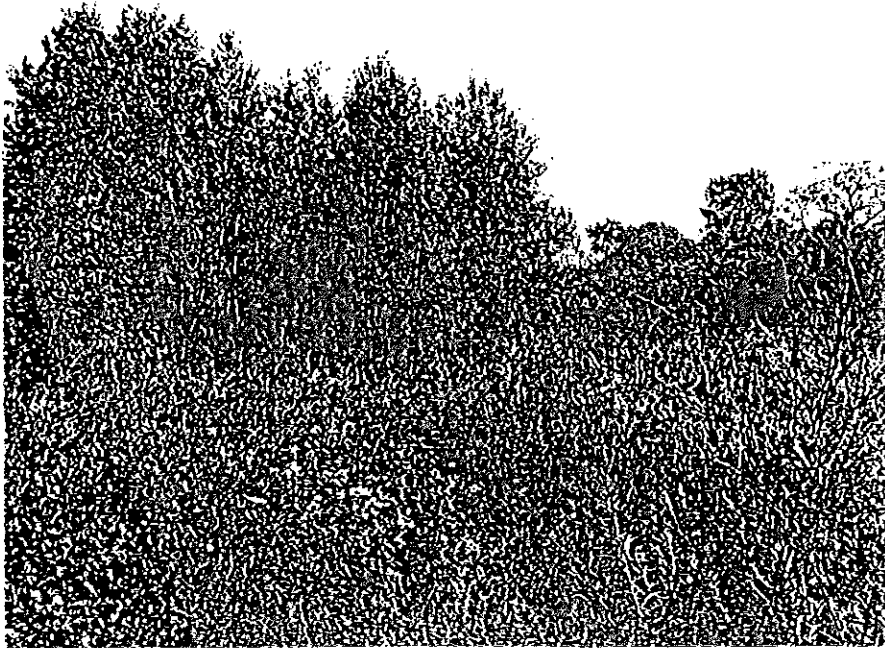
Power House



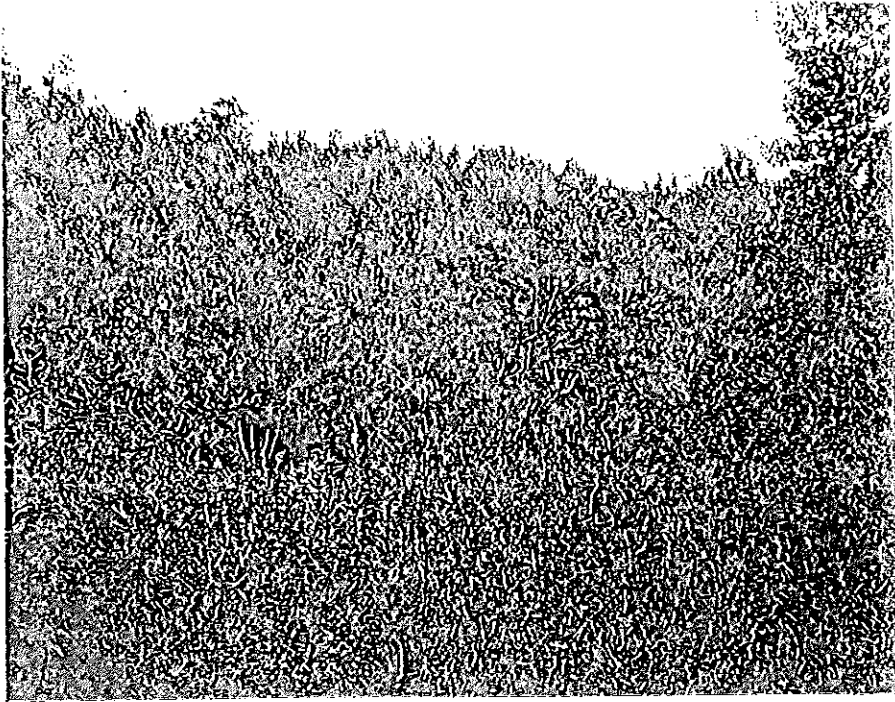
Storage Bins



"Lower Area"



"Upper Area"



Steep Slope Area

Appendix 2:

20-1177. Blighted Area Rehabilitation District.

a. Purpose. The intent of the following regulations re to establish a framework for the development of Block 16, lots 44, 45, 46, 69, 70, 73, 74, 75, 78, 79 and 80 in conformance with the Blighted Area Plan for these parcels.

1. Zoning. Block 16, lots 44, 45, 46, and 69 shall be regulated by the provisions of the B-1 zone in the Borough of Franklin Zoning Ordinance.

2. Block 15, lots 70, 73, 74, 75, 79 and 80 shall be regulated by the provisions of the R-1 Zone in the Borough of Franklin Zoning Ordinance.

3. Block 16, Lot 78 shall be regulated as follows:

A. Permitted Uses:

(1) Townhouses.

(2) Apartments

(3) Senior Citizen housing.

(4) Any use permitted in B-1 and B-2 zones.

(5) Parks and playgrounds

(6) Clubhouses and community centers.

(7) Essential public utility and service facilities including maintenance facilities and structures.

(8) Accessory uses customarily incident to the above uses including parking facilities, signs, and indoor and outdoor recreational facilities including community centers, tennis courts, swimming pools and other similar facilities.

B. Densities.

(1) The gross density of Block 16, Lot 78 shall be ten dwelling units per acre except that where densities have been transferred according to the provisions of the Transfer of Development Credits. In no case shall the gross residential density of 238 units be exceeded on Lot 78, Block 16.



(2) Minimum lot size shall be 20 acres.

C. Building Requirements:

- (1) Multi-family dwellings. No principal building shall exceed a height of two and one-half stories or 35 feet provided, however, that for buildings constructed on sloping terrain and having main entrances to dwelling units from both the high and low sides of the buildings, the maximum height, as measured from the low sides of the building may be increased to three and one-half stories to a maximum of 40 feet and further provided that not more than two floors are served from the upper side of the building.
- (2) Units per building. Apartment structures shall contain no less than four nor more than 24 dwelling units. Townhouse structures shall contain no less than four nor more than eight dwelling units.
- (3) Building length. No building shall have a continuous facade in any direction exceeding 150 feet.
- (4) Building plans and elevations shall show a variation in design and appearance of units and structures to be achieved by either types of roof, heights or eaves and peaks, building materials or architectural treatment of the building facade.
- (5) All common walls between dwelling units shall be fire walls which shall extend from the basement to the roof or such design which would meet minimum State Bureau of Housing Inspection standards.

D. Multi-family dwelling unit requirements:

- (1) Each multi-family dwelling unit shall contain as a minimum a separate living room, a separate bedroom, a separate bathroom and a separate kitchen, which kitchen facility shall be located separate and apart from other rooms with the exception of a dining room, except for efficiency units.
- (2) Minimum floor area. Dwelling units shall contain minimum floor areas in accordance with the following schedule:

Efficiencies 400 square feet minimum

Apartments 500 square feet plus 150 square feet Per additional room\*

Townhouses 600 square feet plus 200 square feet Per additional room\*

\* Any habitable room other than a living room, kitchen, dining room, dinette or bathroom.

(3) No room with a dwelling unit intended for human habitation shall be located in a cellar, basement or attic except that a cellar or basement may contain a family room or recreation room. This provision shall not preclude the use of a basement for a dwelling unit provided one complete wall of the basement is above grade, or otherwise complies with the BOCA code.

(4) Each townhouse dwelling unit shall have separate front and rear entrances.

E. Accessory building requirements:

(1) Accessory buildings for one and two-family dwellings shall be as regulated in the R-3 District.

(2) Accessory buildings for commercial buildings shall be regulated in the 13-1 and B-2 Districts.

(3) All other accessory buildings shall be regulated as follows:

(a) Setbacks. Accessory building shall meet the street setback of the principal building and shall be at least 25 feet from a principal building or property line and ten feet from another accessory building. Clubhouses, swimming pools and recreation facilities shall be at least 50 feet from a dwelling unit structure or property line.

(b) Height. The maximum height of an accessory building shall be 16 feet except for recreational uses which shall not exceed 40 feet in height.

(c) Design. Architectural design and materials used in the construction of accessory buildings shall conform to or compliment those used in the construction of principal buildings.

e. Site Plan Regulations and Development Standards.

1. General:

A. Plot and lot sizes and dimensions, structural heights and locations may be freely disposed and arranged in conformity to the overall density standards herein and to the conditions of comprehensive plans therefor, the general features and design of which shall be approved by the Planning Board. Except as otherwise provided below, multi-family dwellings shall meet the requirements of Section 1142.

Commercial uses shall meet the required conditions of the B-1 and B-2 Districts.

No more than 20 percent of Block 16, Lot 78 shall be devoted to commercial space.

The minimum development standards of Block 16, Lot 78 shall be as set forth in the following:

2. Boundary Line Setback:

A. Boundary line setback requirements. Except for commercial structures, no new buildings or structures in Block 16, Lot 78 shall be erected within 25 feet of the perimeter of said lot.

3. Buffer Zone Requirements:

A. The landowner shall be required to maintain a buffer zone of at least 25 feet along the perimeter of Block 16, Lot 78, except in the B-1 and B-2 Districts between the zone boundary and a nonresidential building. Said buffer zone shall be kept in its natural state where wooded, and when natural vegetation is sparse or nonexistent, the landowner shall be required to provide a planted visual screen.

B. Within said buffer zone, no principal or accessory structure, nor any off-street parking or loading areas or other uses shall be permitted. Within said buffer zone, utility easements, and streets may be permitted to insure continuity with adjoining properties.

C. Said buffer zone may be included for the purpose of computing the Block 16, Lot 78 open space requirements.

D. The buffer zone requirements may be reduced or eliminated by the Planning Board where Block 16, Lot 78 abuts or where they are consistent and compatible with adjoining uses.

4. Street Setback Requirements:

A. No building or structure shall be erected within 25 feet of the cartway or any internal public or private street or road. Every dwelling unit shall be served from a roadway that is other than an arterial street.

5. Distance between Multi-Family Buildings:

There shall be a minimum average distance between dwelling structures of 25 feet, plus one-half foot for each foot of opposing building wall length, up to a maximum of 75 feet. This provision shall apply to walls of the same building facing one another, such as in a courtyard formed by a U-shaped building. Notwithstanding the foregoing, whenever a driveway is located between buildings, the minimum distance between building walls shall be 50 feet. The above minimum average distances may be waived by the Planning Board, for good cause shown.

6. Landscaping and Open Spaces:

A. Not more than 60 percent of any parcel developed within Block 16, Lot 78 shall be covered with impervious material. Block 16, Lot 78 must make provision for adequate recreation areas; at least 20 percent of its land shall be dedicated to open space.

B. Provision shall be made for the preservation of significant natural features where advisable.

C. At least ten percent of the property shall be developed with recreation facilities for use by the residents of the development. The recreation facilities may be included as part of the open space.

The site plan, as it pertains to Recreation Commission, which shall report to the Planning Board its findings and recommendations as to the type, location, and extent of facilities to be provided. The Planning Board, based on the report of the Recreation Commission shall approve the location and extent of recreation facilities. The Recreation Commission shall have 60 days to report to the Planning Board after receipt of said recreation plan. In reviewing the recreation facilities of the site plan, the Planning Board shall encourage the incorporation of facilities and related features as are appropriate to the site and the probable needs of the residents.

- D. All developments shall be provided with professionally designed and executed landscaping. All areas not utilized for parking, driveways, streets, recreational facilities, patios or buildings shall be provided with lawns or other suitable growing ground cover, trees and shrubs. Continuous screening shall be provided where multi-family or attached units abut the tract boundary line. The Planning Board may, if conditions warrant, require screening or buffers consisting of fencing or landscaping around recreation, parking, utility, refuse disposal areas and other similar areas. Shade trees shall be provided along walks, driveways, parking areas, streets and roads. All landscaping shall be maintained in good condition and shall be replaced where necessary.
- E. Except where found nonessential by the Planning Board, concrete sidewalks at least four feet in width shall be provided as follows:
- (1) Between front entrances of each building.
  - (2) Between each building and parking areas serving said building.
  - (3) Along driveways
  - (4) In such other locations as may be warranted by probable pedestrian traffic in the interest of safety.
  - (5) Sidewalks provided along roadways shall be located at least three feet from the inside edge of the curb.
  - (6) The above notwithstanding sidewalks shall always follow the natural path of pedestrian flow.
- F. Screening and fencing shall be provided to shield parking areas and along sidewalks and internal roadways. The source of lighting shall be directed downward, away from buildings and adjoining streets and property lines.
7. Off-Street Parking Requirements.
- A. The parking provisions for Block 16, Lot 78 shall conform to the requirements of Section 11 52 and 711 of the Franklin Zoning Ordinance except that a minimum of two parking spaces per unit shall be required.
8. Utilities.



A. The utility provisions of Section shall apply to Block 16, Lot 78.

9. All site plan standards and requirements of the Municipal Land Use Law and the Borough of Franklin shall be applicable to any development within this zone.

e. Requirements for Transfer of Development Credits.

1. Purpose. In an effort to add flexibility to development and preserve land within the blighted area's floodplain for open space and recreational uses, this chapter permits the owner of Block 16, Lot 78 to increase the density of development on the tract in exchange for dedicating separate and properly subdivided lots to the Borough of Franklin. The transferred development potential may emanate from lots 73, 74, 75, and 79 of Block 16.

2. Density Increase. The Borough shall allow two additional units for each acre or fraction thereof that is dedicated to the Borough. However, due to the limitations of Block 16, Lot 78 (size, access, slope), no more than 238 units may be constructed.

3. Conditions of Transfer. Any lot for which credit is being sought shall be owned by the owner of the receiving tract which is wider consideration for development and may be deeded to the Borough or restricted by deed to open space or recreational uses at the time of final approval of the development into which the credits are transferred. The form of the transfer, be it a dedication or deed restriction, is the option of the Governing Body. If a dedication takes place, the deed shall contain restrictions as to the future use of the land by the Borough, limiting those areas to open space, or recreational use.

4. Application to Planning Board. The applicant to the Planning Board shall simultaneously submit:

A. A plat showing the lands proposed to be dedicated or conveyed to the Borough,

B. A plat showing the area to which it is proposed to transfer the development credits and, in general form, the manner in which such credits are proposed to be utilized.

e. Referral to Governing Body.

1. It is recognized that any dedication or deed restriction of lands to the municipality would involve a determination of acceptance by the Governing Body, and it being advisable to obtain an evaluation of the possibility of acceptability at the earliest possible time, the Planning Board, if it be satisfied that the application is in order, shall refer the same to the Borough's Governing Body.

2. The Governing Body shall, within 60 days of such referral to it, determine the acceptability of the dedication or deed restriction.

3. Effect of Governing Body Determination:

A. A favorable decision by the Governing Body shall constitute a finding only that the lands proposed

to be dedicated or restricted will be acceptable to the Borough, provided that all of the requirements of the Planning Board are met within the time herein set forth. Such approval does not constitute approval of any subdivision nor does it exempt the applicant from his obligation to comply with all applicable ordinances. Such approval shall expire if the applicant has not received formal preliminary approval of the applicable subdivision or site plan within one year from the date of approval of the Governing Body. Said time limit may be extended by the Governing Body for good cause shown, provided that application is made for extension within the time limit.

- B. As part of any such approval, the Governing Body shall establish, in accordance with the standards of this chapter, the maximum number of credits for which such parcel is eligible. There shall be no credits in excess of the amount so established without further action by the Governing Body.
- C. A negative determination by the Governing Body shall specify whether such determination involves the then non-acceptability of the lands proposed to be dedicated or restricted, or a rejection of the manner or lands to which such credits are proposed to be transferred, or both. A negative determination is considered to be a determination at that particular point in time, and shall not preclude a later application for credits from the same lands to be utilized in a different location or for credits from different lands to be utilized in the same proposed location.
- f. Processing by Planning Board. The application shall be concurrent with the major subdivision or site plan with which it is associated. Approval by the Governing Body pursuant to this Section shall not bind the Planning Board to ultimate acceptance of the land or use of credits therefrom
- g. There shall be no banking of development credits. If the plan presented by the Applicant does not utilize all of the credits to which the land may be entitled, any excess credits shall be considered forfeited; provided however, that if the parcel to be conveyed is of sufficient size so as to permit the subdivision therefrom of lands which would be the excess credits, and if such subdivided parcel would conform to the zoning regulations, and would not impair the use of the remaining lands to be conveyed, the Planning Board may permit such subdivision. Any such subdivision shall conform to the subdivision provisions but may be processed concurrent with the main application, contingent upon the granting of the main application.
- g. Conditions Attached to Lands Proposed to be Conveyed. As a condition for acceptance of lands proposed to be conveyed to the Borough in exchange for transfer of development credits, the Planning Board may impose reasonable conditions upon the lands proposed to be conveyed. Such conditions may include, by way of illustration and not by way of limitation, preparing proper access to the site, erection of barriers to prevent unauthorized access to the site, modification of existing utilities through the site and the like.
- h. Conveyance to Borough.
- A. The dedication or restriction of said lands shall be in a form approved by the Borough Attorney. When dedicated, there shall be submitted with such deed a title insurance policy insuring title to the parcel which policy may contain only those exceptions approved by the Borough.

B. Where the lands dedicated to the Borough have been in farm land assessment, the grantor shall pay all roll-back taxes up to the date of final approval, and if no final approval shall be endorsed and no mops shall be signed until proof is submitted that all taxes on the parcel, including the roll-back taxes, have been paid in full.

Redevelopment Area Determination Report  
Zinc Mine Site

Addendum

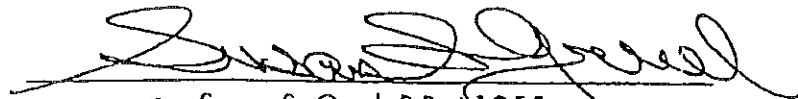
Borough of Franklin  
Sussex County, New Jersey

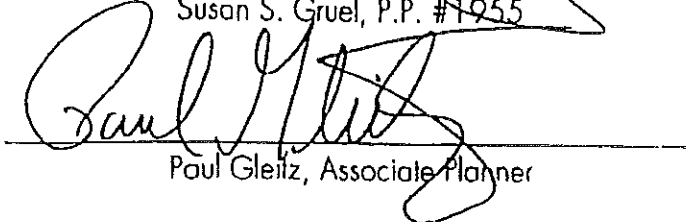
January 2004

Prepared by

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732-828-2200

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

  
Susan S. Gruel, P.P. #1955

  
Paul Gleitz, Associate Planner



The purpose of this report addendum is to address whether the portion of Franklin Borough, Sussex County, known as Block 16, Lot 78.01, a 2.2 acre lot subdivided off Block 16, Lot 78 in 1999, referred to herein as the Subdivision Area, has any impact on the finding of the original "Redevelopment Area Determination Report for the Zinc Mine Site of Franklin Borough" dated October 2003.

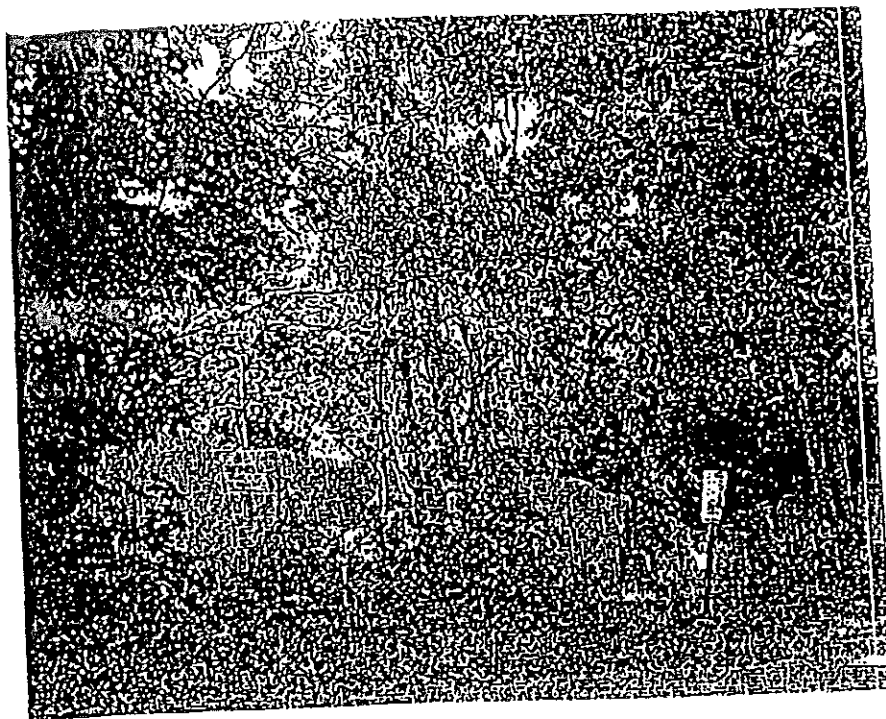
The Borough of Franklin Council, in a Resolution dated May 13, 2003 authorized the Planning Board of Franklin to "conduct a preliminary investigation pursuant to the Local Development Housing Law".

On June 16, 2003 the Franklin Borough Planning Board authorized a preliminary examination of Block 16, Lots 78 and 80, the 28+/- acre area commonly known as the "Zinc Mine Property", to determine if the property is appropriate as a redevelopment area according to the criteria set forth in N.J.S.A. 40A:12A-5. The Subdivision Area, Block 16, Lot 78.01, a 2.2 acre lot subdivided off Block 16, Lot 78 is part of the defined study area, though the block and lot was not specifically listed in the authorizing resolution.

The Subdivision Area has frontage on Mill Street and Sterling Street and abuts the rear of four parcels with frontage on Main Street. The bulk of the Subdivision Area lies south of the corner Mill Street and Sterling Street.

The original Study Area is defined as Block 16, Lots 78 and 80 in Municipal Tax Records and consists of approximately 28+/- acres. The site can be considered to have two development "Areas" divided by 4.5 acres of very steep slopes in excess of 25 percent. The "Upper Area" is approximately 12.5 acres adjacent to the Main Street side of the site and the "Lower Area" is approximately 11 acres adjacent to the abandoned right of way. The Subdivision Area is vacant, without any existing buildings or foundations and is primarily in the "Upper Area" of the original Study Area; the rear of the Subdivision Area is steeply sloped. The Subdivision Area represents 2.2 acres out of the total 12.5 acres of the "Upper Area".

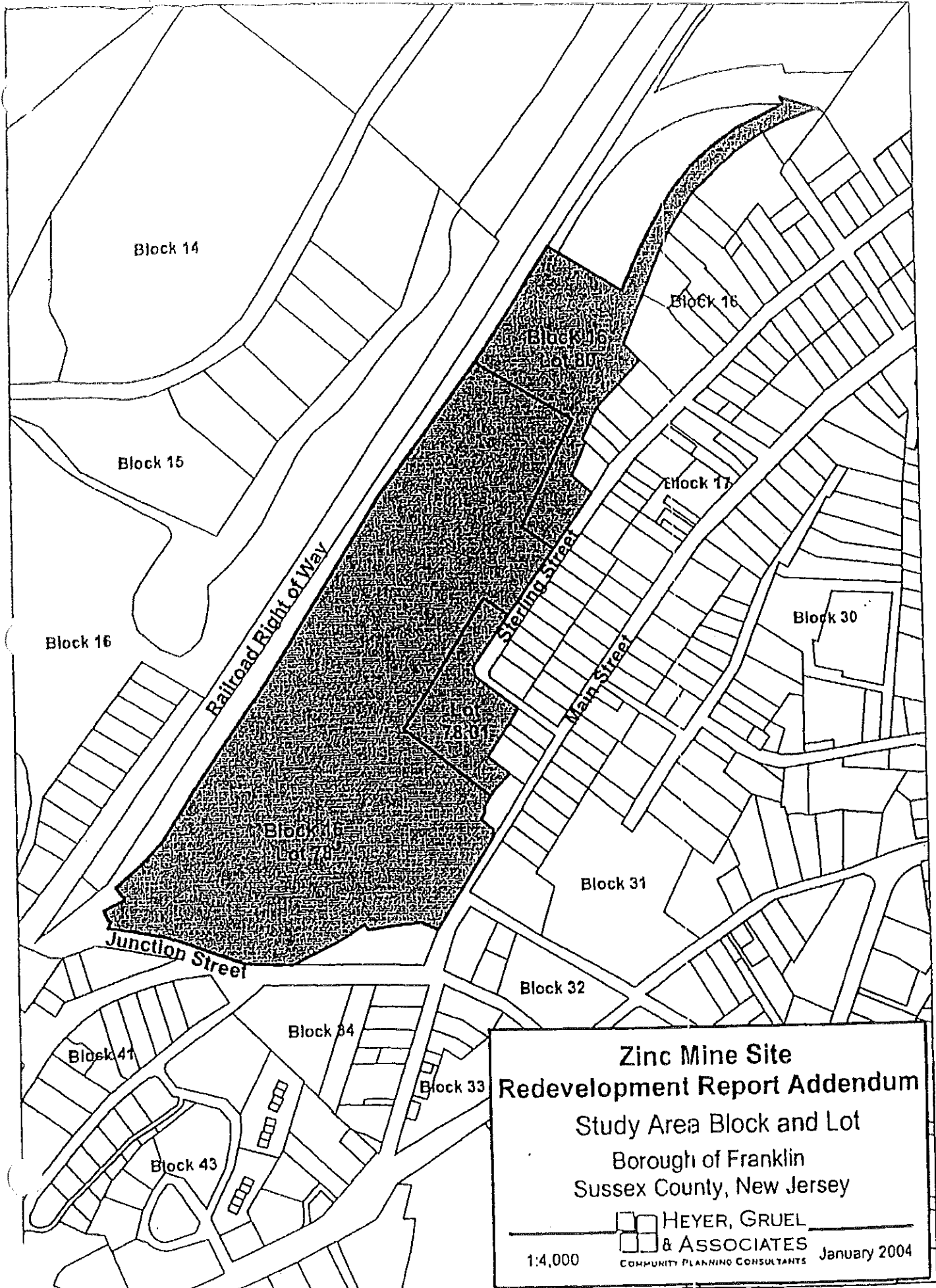
This report addendum finds that considering the Subdivision Area, as a separate parcel of the original Study Area, does not alter the findings of the original report and that the Study Area, including the Subdivision Area, meets the Redevelopment criteria as detailed in the Redevelopment Area Determination Report dated October 2003.



Access along Mill Street




Access along Sterling Street



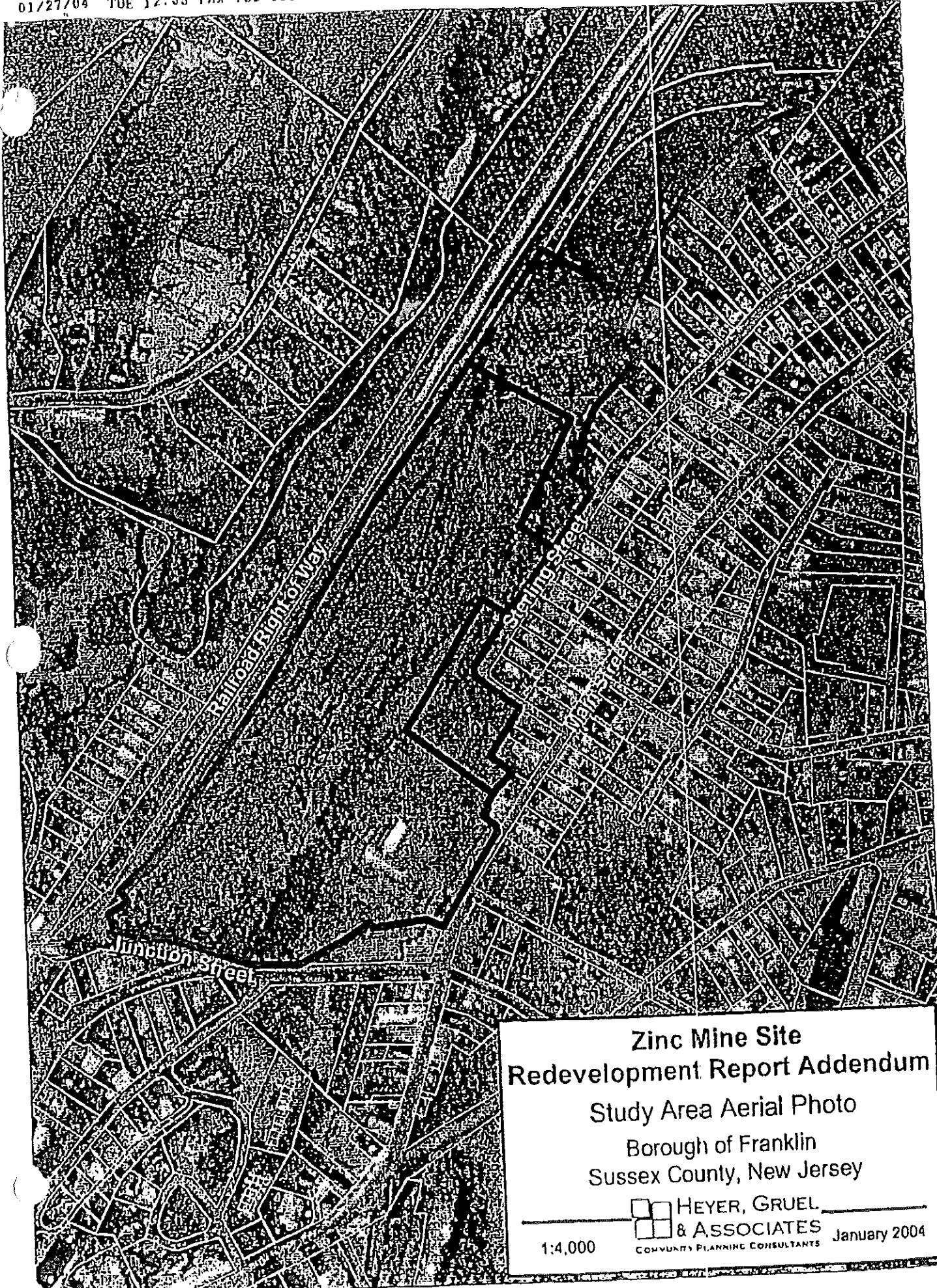
**Zinc Mine Site  
Redevelopment Report Addendum**

Study Area Block and Lot  
Borough of Franklin  
Sussex County, New Jersey



**MEYER, GRUEL  
& ASSOCIATES**  
COMMUNITY PLANNING CONSULTANTS

January 2004

1:4,000



**Zinc Mine Site  
Redevelopment Report Addendum**  
Study Area Aerial Photo  
Borough of Franklin  
Sussex County, New Jersey

 **HEYER, GRUEL  
& ASSOCIATES**  
COMMUNITY PLANNING CONSULTANTS

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