

A PRELIMINARY INVESTIGATION

REGARDING

THE DESIGNATION

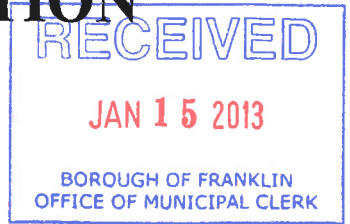
OF

A PROPOSED AREA IN NEED OF REDEVELOPMENT

KNOWN AS

AREA D

**AN AREA IN THE VICINITY OF THE ROUTE 23 CORRIDOR
IN THE SOUTHERN PART OF THE BOROUGH**



**THE FRANKLIN DINER
101 ROUTE 23**



**ROWETT'S GARAGE
4 FRANKLIN AVE**

**PREPARED BY: THE NELSON CONSULTING GROUP
2 VOLCANIC HILL ROAD
WANTAGE, NEW JERSEY
973 875 8685**

**PREPARED FOR:
THE FRANKLIN BOROUGH PLANNING BOARD
FRANKLIN BOROUGH HALL
MAIN STREET
FRANKLIN, NEW JERSEY**

JANUARY 14, 2013

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

Kenneth P. Nelson PP License # 1314

COVERPHOTO

The Two photos on the cover are of properties that were once active commercial enterprises but which have been vacant for many years. Both properties are very visible to the traveling public and are located in close proximity to the intersection of Route 23 and Franklin Ave

1.0 INTRODUCTION AND PURPOSE OF REPORT

The purpose of this report originally was to analyze a portion of Franklin Borough, at the lower end of the Route 23 corridor, in order to determine if the area in question 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). However, after some discussion by the Planning Board, it was decided to also consider if all or a portion of this area might qualify as “An Area In Need of Rehabilitation”.

The specific area in question includes acreage located adjacent to Route 23, Rutherford Ave South and Franklin Ave, in the southern part of the Borough. The area in question is a mix of uses, with many properties in good condition and others less so. On the cover of this report two structures are depicted (101 Route 23 and 4 Franklin Ave) that are located in the southeastern portion of the study area, which have been vacant and / or underutilized for many years. Both properties are in prominent locations and are very visible to the traveling public. The overall study area is depicted in the aerial photo below, as well as elsewhere in this document. However, please note that the aerial photo below also includes properties not part of the study area.



This study area (Area D) is one of four locations 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”. In that report, under the Recommendations section on page 16, the following information was provided for the study area in question

“The Hospital Property”, (B57, Lots 18 & 19) has been in disuse for sometime. The site of the former Franklin Hospital, this 18.58 ac property was approved for construction of 111 residential condominium units in 2007. The property has remained vacant with no activity on residential development. Recently, the developer has suggested an alternate non-residential use of the site that could be advanced through redevelopment. Adjacent, nonconforming residential lots that front on Rutherford Avenue and are zoned HC could be added to the Hospital property and provide connection to the HC zoned street, S. Rutherford Avenue and Rt. 23. This area includes the Franklin Diner property and the Franklin Square strip mall.

The properties included in this potential redevelopment area are listed as follows:

Property	Location	Area	Zone	Owner
B57, L18	21 Hospital Road	2.0100ac	HMF	Rainmaker Capital
B57, L19	19 Hospital Road	16.6800ac	HMF	Rainmaker Capital
B57, L40	135 S. Rutherford Av	.6464ac	HC	Waltz, W. & G.
B57, L39	131 S. Rutherford Av	.3455ac	HC	Ross, C. & S.
B57, L38	129 S. Rutherford Av	.3455ac	HC	Borenus, T. & C.
B57, L37	127 S. Rutherford Av	.7070ac	HC	Bedacht, F.
B57, L36	125 S. Rutherford Av	.3612ac	HC	O’Connell, K & M
B57, L35	123 S. Rutherford Av	.3678ac	HC	Blagoi, V
B57, L34	121 S. Rutherford Av	.3736ac	HC	Ricciardi, M & M
B57, L33	117 S. Rutherford Av	.7800ac	HC	Wilson Rec. & Desgn.
B57, L32	109 S. Rutherford Av	.8006ac	HC	Petrich, R.
B57, L31	8 Franklin Avenue	1.8300ac	HC	Varoqua, R & M
B57, L30	10 Franklin Avenue	.2233ac	R3	Verrico, H.
B57, L29	12 Franklin Avenue	.2500ac	R3	Franek, J & J
B57, L28	14 Franklin Avenue	.2859ac	R3	Osborn, E & E, et al
B69, L1	4 Franklin Avenue	.2479ac	HC	Rowett, R & C
B67, L3	101 Rt. 23	.3728ac	HC	Carroll, J (diner)
B67, L2	107-109 Rt. 23	.7900ac	HC	Franklin Sq. c/o
Total Acreage		27.4175ac		Brady, J

Please note that the Borough of Franklin restructured its block and lot designations during the course of this study and the above referenced block and lot numbers have been changed. However, since the original request from the Franklin Borough Council referenced the numbers listed above, this report will continue to use those numbers. The Tax Assessor’s office should be consulted for the current designations.

It needs to be mentioned at the outset of this report that this study area is really two separate areas, consisting of – 1) The vacant former Hospital site and 2) A collection of residential and non residential properties – some in very good condition and others in much less desirable condition - located to the east of the former Hospital site. And, to a

certain extent, this second area can be further divided into two segments, which will be discussed later in this report.

The former Hospital site and the remainder of the study area are physically separated from each other, primarily because of a severe change in the topography that occurs moving west from Route 23, toward the former Hospital site. More will be discussed later in this report regarding the topographic conditions, as well as the diversity of uses and property conditions in this area and how the various properties are accessed.

As already noted, Area D is one of four areas in the Ad Hoc Committee Report that is identified as a potentially qualifying as An Area In Need of Redevelopment. The Ad Committee Report also identified a fifth study area 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.

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” or “An Area In Need of Rehabilitation”. 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 any 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. In addition, to the investigations related to each property, information was consulted about the infrastructure components (ie: sanitary sewer lines, potable water

system, storm sewers, street pavement, curbing and sidewalks) in this area that pertained to the history and condition of each component.

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, related to the designation of An Area In Need of Redevelopment 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.

In addition to the possibility of the "Area In Need of Redevelopment" designation, the Planning Board decided, as previously noted, to investigate if "An Area In Need of Rehabilitation" should also be considered. In order to arrive at a decision about such a designation, however, a different set of criteria, which are derived from NJSA 40A: 12A-14, must be utilized. Those criteria are summarized as follows:

- a. A significant portion of structures in a delineated area are in a deteriorated or substandard condition and there is a continuing pattern of vacancy, abandonment or underutilization of properties in the area, together with a persistent arrearage of property tax payments thereon
- b. More than half of the housing stock in the delineated area is at least 50 years old
- c. A majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance.

In addition, the governing body must determine that a program of rehabilitation may be expected to prevent further deterioration and promote the overall development of the community

An authoritative source on both the redevelopment and rehabilitation designation process in New Jersey is a document entitled The Redevelopment Handbook authored by Slachetka and Roberts, and recently revised, on behalf of the New Jersey Dept of Community Affairs. In that document, in Section 5, there is a discussion of the statutory criteria regarding redevelopment areas in particular 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 Hosing 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 Study Area D 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.” or alternatively if “An Area In Need of Rehabilitation” is a better designation. 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 or Rehabilitation 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 this portion of the Route 23 Corridor is essential to the long term well being of the community. This is true specifically for the eighteen properties that are the subject of this report but it is also true for a number of other properties along Route 23 not included in this potential redevelopment area. These other properties, many of which are not contiguous to Study Area D, may potentially be affected positively in connection with the implementation of a redevelopment plan for Area D and may, themselves, be revitalized via private sector activity because of the steps being taken in connection with the future of Area D.

One final point needs to be emphasized in these introductory remarks, which will be discussed in more detail later. Specifically, looking down the road to the next step beyond the designation decision, it will be necessary to prepare a plan for the area in question, if it is to be redeveloped and revitalized as hoped. In connection with such a plan, there is one constraint that will have a significant impact on the planning process. That constraint involves road access. In looking at the aerial photo of the study area on page 1 of this document, it can be seen how Rutherford Ave South, which runs more or less parallel to Route 23, and Old Franklin Ave, which runs more or less parallel to Franklin Ave, divide the study area. Most of the properties in the study area depend on these two roads for access and yet the best design for the redevelopment of this area could involve vacating portions of one or both of these roads. The challenge will be to develop the best plan for this area, without being controlled by the current alignment of these two roads but at the same time providing for adequate and legal access to all of the affected properties.

2.0 EXISTING CONDITIONS AND ANALYSES

2.1 GENERAL DESCRIPTION AND APPLICABILITY OF STATUTORY CRITERIA

This study area, as originally described, encompassed a portion of the Route 23 Corridor in the southern part of the Borough and also extended along Franklin Ave. This area encompassed approximately twenty seven and a half acres in total area, divided among eighteen separate lots. That overall area, plus some adjoining properties, is depicted on an aerial photo on page 1 of this document. In addition, the area recommended for designation, which is smaller than the original study area, is depicted in Exhibit 1 and Exhibit 2 included in Appendix A herein. Furthermore, several aerial photos in this report depict segments of the study area . Finally, throughout the report ground level photos are provided, which graphically depict the properties analyzed herein. Those photos were either taken by the author of this document at various times or were photos available from the Borough Tax Assessor's records

As already noted, the study area is essentially divided into two components – 1) The former Hospital property and 2) Everything else. However, these two components are unequal in size. The bulk of the acreage in the study area – 18.69 acres (68%) – is located within the boundaries of the former Hospital site. The remainder of the site consists of 8.72 acres divided among 16 lots, non of which is larger than 1.8 acres and the large majority of them are under 1 acre – see aerial photo below



THE STUDY AREA EAST OF THE FORMER HOSPITAL PROPERTY

Seven of the lots in Block 57 east of the former Hospital site and with frontage on Rutherford Ave South can be described as a somewhat uniform cluster of single family residential properties. They are characterized by relatively short front yard setbacks and large backyard spaces and range in size from about a third of an acre to three quarters of

an acre. They are remnants from a time when this part of Franklin was less heavily commercialized than it is now. Nevertheless, despite their location, these properties are somewhat buffered from Route 23 and from much of the commercial development in this part of the Borough. A closer aerial view of these seven properties is provided by the aerial photo below



LEFT TO RIGHT - BLOCK 57 LOTS 34 TO 40



The remaining properties – **Block 57 Lots 28 to 33 ; Block 67 Lots 2 and 3 ; Block 69 Lot 1** - that comprise this study area and which are located to the south of the above referenced grouping of residential lots are a fragmented collection of non residential and residential uses, located on lots of varying shapes and sizes. See aerial photo to the left. The largest of the lots in this group is Block 57 Lot 31 (1.83 acres) and the smallest is Lot 30 in Block 57 (.2233 acres).

This segment of the study area is characterized by frontage on several different roads – Franklin Ave, Route 23, Rutherford Ave (South) and Old Franklin Ave. The terrain is also variable, with

some lots being level and others with significant changes in grade. In summary then, the study area is relatively small but it is also very diverse and a large segment of it – the former Hospital site – has a minimal relationship to the properties in the study area that are to the east of it

Of the eighteen properties in the study area, thirteen are in the HC Zone, three are zoned R-3 and the Hospital site is in the HMF (Hospital Multi Family) Zone. The R-3 Zone is a medium density (min. lot size – 15,000sq ft) single family residential district, which can be found in nine separate locations throughout the Borough and generally includes some of the newer single family neighborhoods within the community. The amount of land area included within these R-3 districts varies but the R-3 area that is part of this study area is the smallest of the group.

The HMF Zone – see section 166-33K of the Franklin Land Development Ordinance - encompasses the two lots that comprise the former Hospital Property. The zone was created by the Borough Council specifically to encourage the redevelopment of this site. It is the only location in the community where this zone exists. The HMF Zone allows multi family structures on a minimum tract size of 15 acres, at a density not to exceed 6 units per acre. More will be discussed about the history of this zone and a site plan approval that was granted in connection with the provisions of this zone, later in this report.

As already noted, the remaining properties in the study area are in the HC Zone. This 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%

More will be discussed in connection with this zone and how it relates to the properties in the study area that are currently zoned HC. Suffice it to say, that of the thirteen study area properties that are in the HC Zone, none of them comply in terms of the lot area requirement and only three comply in terms of use.

In terms of the zoning and land use patterns in the area near this study area, on the east side of Route 23, there are three zones that are in close proximity to it. They are: The Golf Course Zone, the R-1 Zone and the HC Zone. These zones have encouraged a limited mixture of land uses in the immediate vicinity of this portion of the study area, which for the most part, are commercial in nature. Furthermore, the current zoning will allow for some additional commercial development that will further strengthen the commercial land use pattern that exists there now. For further information about the

zoning, refer to Appendix B of this report, which contains Schedule A of the Zoning Ordinance and Appendix C, which contains a portion of the Borough Zoning Map that depicts the zoning pattern in this part of the community.

In terms of the zoning and land use patterns on the west side of Route 23, in the vicinity of the study area, there are a several of properties that border Route 23 that are in the HC Zone. However, beyond Route 23 there are three other zones near the study area. They are, immediately to the south, the OS-GU Zone (encompassing Franklin Pond and the adjoining recreational facilities), a large R-3 single family residential district, immediately to the north and west and a smaller single family residential area, in the R-2 Zone, just beyond the area zoned R-3.

So, in the immediate vicinity of the study area to the north, south and west, the predominant zoning pattern and land uses are either residential or of a public purpose nature, while to the east, the predominant zoning pattern land uses are commercial in nature - with the exception of the Hardyston School - which is a public purpose use, although it is zoned residential.

In the following sections, each property within the study area is described and analyzed in terms of its usage, condition and other factors that are relevant to whether or not each property individually and the study area collectively can be designated as An Area In Need of Redevelopment.

2.2 BLOCK 57 LOT 18 AND 19 - ANALYSIS and DESCRIPTION

This site is commonly identified as the “Hospital Property”. It consists of two lots, with Lot 18 currently accommodating a single family residence and Lot 19 being the location of the former Franklin Hospital. Both lots are in the same ownership. The former hospital structure was demolished in 2005 and most of the site is wooded except for some pavement remnants, where the parking area and access drive for the hospital were located. Access to the site is from an existing paved driveway that connects the residence and the remainder of the site with Hospital Rd to the north.



Lot 18



Lot 19

As noted previously, this site encompasses approximately 68% of the study area. However, it is physically separated from the remainder of the study area by severe

topographic conditions on its eastern boundary. The photo below depicts the topographic change that results in much of the subject property being 40' to 50' higher in elevation than the remainder of the study area.



LOOKING WEST TOWARD BLOCK 57 LOTS 18 AND 19 FROM ROUTE 23

The only existing access to the site, as just noted, is from Hospital Rd, which then connects to Franklin Ave and other Borough roads. And although this site does have frontage on Franklin Ave, the severe topographic conditions prevent access directly from that road. However, there is also the possibility of access to Mountain View Rd from the northeast corner of the property. Lot 19 does have approximately 30' of frontage on that road. Nevertheless, any future access from the site to this road is problematic because of the narrowness of that road and that fact that it leads to Taylor Rd. Directing any traffic from the site to Route 23 via Taylor Rd would not be advisable because of the safety issues related to the Taylor Rd / route 23 intersection.

As can be seen from the photo of the residence, although it is over 80 years old, it is in reasonably good condition and it is currently occupied. The Borough Tax Assessor has placed a total value of \$ 323,900 for lot 18 and structure. Lot 19 is valued at \$ 825,700.

Lot 19, which has been vacant for many years now, together with Lot 18 have been the subject of some activity, since the early part of the last decade, with respect to the future use of this acreage. The details of that activity are somewhat complicated and lengthy. Suffice it to say, that the owner of the property has actively pursued the development of this site, via rezoning and development application activity. The results of that activity are twofold. First, the entire site (Lots 18 and 19) are now zoned HMF – hospital multi Family. This zone allows for multi family development at a density of 6 units per acre. Based on the rezoning, which the applicant successfully pursued, a development application for over 100 housing units was approved several years ago by the Planning Board. However, the approved site plan has not been implemented, which apparently is attributable at least partially to the collapse of the real estate market that began toward the end of the last decade.

In summary, these two lots are a package and as such are being treated together in terms of this analysis. However, for the record, it would be difficult to qualify Lot 18 on its own

because it is a viable single family residence and does not meet any of the statutory criteria listed in NJSA 40A: 12A-5. In terms of whether or not Lot 19 qualifies, either individually or in combination with Lot 18, it is difficult to conclude that it does. Had the buildings on Lot 19 not been demolished, it might then have been possible to qualify this site but those structures are long gone. And, although Lot 19 is vacant, it has not been vacant for more than ten years. Furthermore, a valid approved site plan is currently associated with this site and there appear to be no extenuating circumstances, other than market conditions, which preventing the site plan from being implemented. However, if the current zoning or the approved site plan have flaws associated with them that are negatively impacting the development of this site, then the more appropriate remedy would be to seek a rezoning and / or an amended site plan.....not a redevelopment area designation. Finally, although a property may not qualify on its own to be part of a redevelopment area, it can still be included if it is integral to the overall planning for the redevelopment of the designated area. However, in this case, the size of Lots 18 and 19 alone would make such an argument disingenuous. Very simply, if 68% of a study area doesn't qualify on its own and were still included as part of a redevelopment area the end result would be that, at most, only a third of the designated area would be in compliance with the statutory criteria, which many would see as an abuse of the redevelopment designation provision allowed by statute. In addition, as stated previously, there is a physical separation between Lots 18 and 19 (due to topographic conditions) and the remainder of the study area, which can't be remedied. So, at best, there might be some visual connection that Lots 18 and 19 would have with the properties to the east but any redevelopment plan would have to treat them as separate entities. So, in conclusion, Lots 18 and 19 should not be included as part of a designated redevelopment for the reasons stated herein.

2.3 BLOCK 57 LOTS 34 TO 40 - ANALYSIS AND DESCRIPTION

The next portion of the study area to review is a grouping of seven residential lots that front on Rutherford Ave South, east of the Hospital property. These properties were already briefly discussed in section 2.1 of this report. They are also identified here by their Rutherford Ave addresses in the two photos that follow. Photo # 1 depicts #'s 121, 123, 125 and 127, looking from left to right in a northerly direction.



PHOTO # 1

Photo # 2 below depicts #'s 135, 131, 129 and 127 starting from the north end of this grouping, looking right to left toward the south.



PHOTO # 2

It was decided to analyze these properties as a group because of their similar characteristics and the fact that they comprise a small but cohesive neighborhood. This grouping of residences, as already noted, fronts on Rutherford Ave South but these lots are also in close proximity to Route 23. However, Rutherford Ave South is only accessible directly from Route 23, as one is traveling on Route 23 in a southbound direction. And Route 23 is not accessible directly from Rutherford Ave South at all. In order to access Route 23 from Rutherford Ave South or to access Rutherford Ave South from Route 23 when traveling in a northbound direction, it is first necessary to use Franklin Ave. So, vehicular access into this area is somewhat constrained.

The Zoning Regulations of the Borough have included these seven properties in the HC Zone that encompasses many of the properties within this segment of the Route 23 corridor. However, as already noted, none of these seven lots actually has frontage on Route 23 and they are somewhat buffered from that major thoroughfare. And it appears that only one of the lots is partially being used for commercial use, with the others still being used exclusively for residential purposes. Consequently, these seven lots still maintain the characteristics of a moderate density, single family residential neighborhood that still appears to be quite viable despite the zoning, small and its proximity to Route 23. Nevertheless, the Borough's policy is that this grouping of lots is to eventually make the transition to commercial usage at some point in the future. The question is how and when will that transition occur ?

The Borough Tax Assessor's records and other municipal information, as well as on site inspections, indicate that most of the properties and the structures on them are in good to excellent condition, with one or two characterized as average. None of the structures are in a deteriorated condition. The majority of the lots are about one third of an acre and two of them are approximately two thirds of an acre. All of the structures were built in the early 1930's or earlier and most have been expanded and / or upgraded during their history. The assessed values for these properties range from \$ 165, 000 to \$ 227,000. The variation is attributable to the size of the structures and the size of the lots. All of the

structures are used for single family residential purposes and only two of the seven are not owner occupied.

In summary, an argument could be made that these lots meet at least criterion “d” because the current site design, including the placement of the buildings on the property, and the access issues, makes the re-use of these lots or buildings, in accordance with modern planning standards and the planning policies of the Borough, difficult at best, if not impossible. In addition, there is some limited validity to the contention that the continued use of these properties for residential purposes is contrary to the health, safety and welfare of the community. However, this is a real borderline situation and judgment call, which is not an easy one to make. Quite simply, it is still very possible that the private sector, on its own, will facilitate the transition of these properties to some type of commercial usage, either individually or collectively. Not enough time has passed yet to definitively say that such a possibility is not realistic. In fact, a similar property just outside the limits of the study area has made just such a transition. So, in conclusion, it would be inappropriate to include any of these lots in a redevelopment area at this time. However, the possibility of designating these lots as part of An Area In Need of Rehabilitation will be discussed later in this report.

2.4 BLOCK 57 LOT 33 - ANALYSIS AND DESCRIPTION

This property, also identified as # 117 Rutherford Ave South, is a non residential site and currently accommodates a one story, masonry structure, with approximately 6,350 sq ft of floor area, along with accessory buildings – see photo below. The site is located just to the south of the residential grouping discussed in Section 2.3 and it is in close proximity to several commercial properties to the east and south. The main building on the site was originally constructed circa 1960 but the building and the site were totally redeveloped / reconstructed in 2006 / 2007. The site has a trapezoidal shape and is about three quarters of an acre in total area (0.757) – see aerial photo on page 9. The property is in the HC Zone and it is not entirely clear if the existing non residential use of the building is considered conforming or non conforming.



The Borough Tax Assessor has put a value on the property of \$ 438,700, with the land accounting for \$ 125,400 of that amount and the structures accounting for the remainder of \$ 313,300. The building and the property are in very good condition. However, the close proximity of the structure to Rutherford Ave South is a serious non conformity that cannot be corrected without removing a portion of the building.

In summary, an argument could be made that this lot meets at least criterion “d” because the current site design, including the placement of the buildings on the property and the general layout make it improbable that the private sector, on its own, will find it profitable to redevelop and reuse this site fully

in accordance with the existing planning policies of the Borough. However, given the excellent condition of the site and the main building in particular, it is difficult to conclude that it is a property that can qualify on its own to be part of a designated “An In Need of Redevelopment.” Nevertheless, due to its key location and relatively modest size, it could be included as part of such a redevelopment area if it was determined that it was necessary to do so in order to formulate the best possible redevelopment plan.

2.5 BLOCK 57 LOT 32 - ANALYSIS AND DESCRIPTION

This property, also identified as # 109 Rutherford Ave South, accommodates a structure that appears to be a combination non residential / residential building, which is currently vacant or substantially underutilized. However, it was observed that some vehicles are currently being stored on the site and in a portion of the building – see photo below. The Borough Tax Assessor describes this building as an apartment / garage, which is approximately 70 to 75 years old. It is in fair to poor condition. The existing building is a two story, wood frame structure, with approximately 4,400 sq ft of floor area.

The site is located adjacent to the non residential property discussed in Section 2.4 and it is in close proximity to several commercial properties to the east and south. The site has a trapezoidal shape and is about a half acre in total area (0.55) – see aerial photo on page 9. The property is in the HC Zone and appears to be at least partially conforming in terms of use but is significantly non conforming in terms of the dimensional requirements of the zone.



The Borough Tax Assessor has placed a total value on this property of \$ 229,000, the value of the land and the structure being just about equal to each other. This is one indicator that the structure is probably nearing the end of its useful life.

In summary, this lot meets at least criterion “d” because the current site design, including the placement of the buildings on the property, and other constraints makes the re-use of the site or building, in accordance with modern planning standards and the planning policies of the Borough, difficult at best, if not impossible. It may also qualify under criterion b, if a determination is made that it has also fallen into a discontinuance of use.

2.6 BLOCK 57 LOT 31 - ANALYSIS AND DESCRIPTION

Lot 31, is a residential property, although it is in the HC Zone. It consists of 1.74 acres in total area and is oddly shaped. The property is setback from Route 23 a considerable distance and access to it is problematic. The lot accommodates a two story, wood frame structure, with approximately 2,774 sq ft of floor area. This structure appears to be in generally good to average condition. The structure is approximately 50 years old or more. The Tax Assessor records indicates that it is a mother / daughter arrangement. A separate garage structure also is located on the property, which is in poor to average condition. The topography is variable. See photo below



The Tax Assessor records indicate that the total value of the property is \$ 321,500, with the land being valued at \$ 84,200 and the structures \$ 237,300. This property is not serviced by the Borough's water system.

In summary, this lot meets at least criterion "d". Although it is a large lot, it is well below the five acre minimum required by the HC Zone. Also, its shape, topographic conditions and distance from Route 23 will make its redevelopment for commercial purposes difficult. In addition, the continued use of this property for residential purposes is contrary to the planning policies of the community.

2.7 BLOCK 57 LOT 30 - ANALYSIS AND DESCRIPTION

Lot 30, is one of three residential properties in this area that are zoned R-3. It appears that this very small R-3 Zone is the remnant of a larger R-3 area that may have included the Hospital property before it was rezoned. It is difficult to conclude that this R-3 designation is still appropriate for this property or the other two properties that adjoin it. This site is .146 acres in total area or approximately 6,539 sq ft. has an irregular shape and is substantially undersized for the zone (15,000 sq ft minimum). It accommodates a two story, wood frame structure, with approximately 1,900 sq ft of floor area. It appears to be in generally good to average condition. The structure is approximately 80 years old and it currently accommodates two apartments - see photo on next page



The Borough Tax Assessor records indicate that the total value of the property is \$146,800, with the land being valued at \$ 56,100 and the structure \$ 90,700. This property is not serviced by the Borough's water system. The structure on this property is located very close to the road and some of the parking area may actually be within the street right of way.

In summary, this lot meets at least criterion "d"

because the current site design, including the placement of the building on the property and its proximity to the Route 23 commercial corridor, suggests that the continued use of this property for residential purposes - although it is in the R-3 Zone - is contrary to the health, safety and welfare of the community. In addition, as a two family structure, it has the status of a non conforming use. This means that the current use can continue to exist but the expectation is that at some point it would be replaced by a conforming use. However, this location is not highly desirable for single family residential purposes, so its future conversion to a conforming use is doubtful

2.8 BLOCK 57 LOT 29 - ANALYSIS AND DESCRIPTION

Lot 29, is the second lot of this residential group in the R-3 Zone. It is .243 acres in total area or approximately 10,585 sq ft, and has a generally rectangular but slightly irregular shape. The lot accommodates a one story, single family, wood frame structure, with approximately 1,085 sq ft of floor area, which appears to be in generally good to average condition. The structure is approximately 60 years old or more – see photo below.



The Borough Tax Assessor records indicate that the total value of the property is \$118,000, with the land being valued at \$ 60,400 and the structure \$ 57,600. This

property is not serviced by the Borough's water system. The fact that the structure on this property is valued at less than the land is a possible indication that the structure is nearing the end of its useful life. Also, this site is not accessible directly from Franklin Ave because of the topography. Access is via adjoining lot 28

In summary, this lot meets at least criterion "d" because the current site design, including the placement of the building on the property, the size of the lot, access to the site and its proximity to the Route 23 commercial corridor, suggests that the continued use of this property for residential purposes - although it is in the R-3 Zone - is contrary to the health, safety and welfare of the community.

2.9 BLOCK 57 LOT 28 - ANALYSIS AND DESCRIPTION

Lot 28, the third lot of this residential group, is .288 acres in total area or approximately 12,580 sq ft'. It has a generally rectangular but slightly irregular shape. The lot accommodates a two story, single family, wood frame structure, with approximately 1,930 sq ft of floor area and which appears to be in generally good to average condition. The structure is approximately 80 years old or more- see photo below.



The Borough Tax Assessor records indicate that the total value of the property is \$173,400, with the land being valued at \$ 61,600 and the structure \$ 111,800. This property is not serviced by the Borough's water system. The structure is located very close to Franklin Ave and access to adjoining lot 29 is via this property.

In summary, this lot meets at least criterion "d" because the current site design, including the placement of the building on the property, the size of the lot, access to the site and its proximity to the Route 23 commercial corridor, suggests that the continued use of this property for residential purposes - although it is in the R-3 Zone - is contrary to the health, safety and welfare of the community.

2.10 BLOCK 69 LOT 1 - ANALYSIS AND DESCRIPTION

This property, known as # 4 Franklin Ave, is a somewhat obsolete, dilapidated commercial structure that currently is used for storage purposes in connection with an auto parts business. The site consists of .290 acres and the structure on the site is one story in height, except for the middle section that is two stories. The structure is approximately 80 years old or more – see photo below – and is in fair to poor condition. This property, as is true of many older commercial properties in this area, is constrained by various site layout and other problems, which increasingly makes its future as the location of a viable commercial enterprise problematic.



The property is oddly shaped and is bordered by three streets – Franklin Ave, Old Franklin Ave and Rutherford Ave South. It is also bordered by a drainage ditch

This property is located in the HC Zone but is not in compliance with any of the dimensional requirements of that zone. Specifically, the HC Zone has a minimum lot size requirement of 5 acres, which this property fails to meet along with various setback and other dimensional requirements. The Borough Tax Assessor's records indicate that the total value of this property is \$ 250,600, with the land being valued at \$ 108,800 and structure \$ 141,800. The ratio of the value of the property to the value of the land is an indicator that the structure is nearing the end of its useful life.

In summary, this lot meets at least criterion "d" because the current site design, including the placement of the building on the property, and other constraints such as the size of the property makes the future use of this site, in accordance with modern planning standards and the planning policies of the Borough, difficult at best, if not impossible.

2.11 BLOCK 67 LOT 3 - ANALYSIS AND DESCRIPTION

This property, known as # 101 Route 23, is a former diner that ceased operation nearly 10 years ago. Although there is still the possibility that it might reopen as a diner, the reality is that it is a somewhat obsolete structure by today's standards and would require a

substantial amount of renovation in order to be competitive in today's marketplace. This site consists of .394 acres and the one story structure on the property, which has a total floor area of 1,894 sq ft, dates to the early 1950's – see photo below. This property, as is true of many of the older commercial operations in the Route 23 corridor, is constrained by various site layout and other problems, which increasingly makes its future as the location of a future viable commercial enterprise, problematic.



The property is rectangular in shape and is located at the corner of Route 23 and Franklin Ave, which is a signalized intersection. It is also bordered to the rear by Rutherford Ave South. Access to the site from Route 23 and Franklin Ave are good but the circulation within the site is problematic because of its size and how the parking layout is designed.

This property is located in the HC Zone but is not in full compliance with the requirements of that zone, in terms of the dimensional requirements. Specifically, the HC Zone has a minimum lot size requirement of 5 acres, which this property fails to meet along with various setback and other dimensional requirements. The Borough Tax Assessor's records indicate that the total value of this property is \$ 430,600, with the land being valued at \$ 197,000 and structure \$ 233,600. This ratio of the value of the land to the structure is an indicator that the structure is nearing the end of its useful life.

In summary, this lot meets at least criterion "d" because the current site design, including the placement of the building on the property, and other constraints such as its size makes the future use of the site or building, in accordance with modern planning standards and the planning policies of the Borough, difficult at best, if not impossible. In addition, although this structure has technically not been abandoned, the fact that it has not been utilized for any commercial purpose in recent years is another reason to include it as part of a redevelopment area and may also qualify under criterion b. It's very visible location and the fact that it has been vacant for so long is sending an unwanted message about Franklin in general and the Route 23 corridor in particular.

2.12 BLOCK 67 LOT 2 - ANALYSIS AND DESCRIPTION

This property, known as # 107-109 Route 23, and functions as a small strip mall, consisting of several commercial operations. This site consists of .725 acres and accommodates two, one story, masonry structures, originally built in the 1960's and consisting of approximately 8,300 sq ft of floor area. Both structures are in generally good condition but somewhat obsolete when compared with the standards of newer commercial development in the area – see photo below. This property, as is true of many other older commercial properties in the Route 23 corridor, is constrained by various site layout and other problems, which increasingly makes its future as the location of viable commercial operations, problematic.



The property is somewhat rectangular in shape and has a small on site parking area bordering Route 23. For the most part the commercial structure has usually been fully occupied, with a variety of retail and service commercial operations, but it has also been observed that vacancies have occurred in recent years. Access to the site from Route 23 southbound is good but access is more difficult from Route 23 northbound because of the left turn movement across traffic that is required. The site also borders Rutherford Ave to the rear and access is possible from that street as well.

This property is located in the HC Zone but is not in full compliance with the dimensional requirements of the zone. Specifically, the HC Zone has a minimum lot size requirement of 5 acres, which this property fails to meet along with various setback and other dimensional requirements. The Borough Tax Assessor's records indicate that the total value of this property is \$ 1,009,600, with the land being valued at \$ 362,500 and structures \$ 647,100. This is the most valuable property in the study area in terms of its assessed value and is probably reflective of the fact that the owner maintains the property and knows the types of businesses that are suited for this type of facility and this location.

In summary, although this property is currently a functioning commercial site, it does have a number of limitations and problems and as such meets at least criterion "d" . This opinion can be defended because of the current site design, including the placement of the buildings on the property, and other constraints such as the size of the property and

access to it. These factors, along with others, make the future use of the site or buildings, in accordance with modern planning standards and the planning policies of the Borough, difficult at best, if not impossible. Nevertheless, even if this site does not qualify on its own, it should be included in the redevelopment area because its inclusion is essential to developing a redevelopment plan for the area in question

3.0 AN AREA IN NEED OF REHABILITATION DESIGNATION

In connection with the preparation and discussion of the contents of this report, it was determined, as noted in Sections 1.0 and 2.0 of this document, that consideration should be given to whether or not a portion of the study area (specifically Block 57 Lots 34 to 40) might better be designated as “An Area In Need of Rehabilitation”. This section of the report focuses on that issue

In terms of the criteria used to determine if the properties within a study area can qualify as “An Area In Need of Rehabilitation” the following conditions need to be present – deteriorated structures, building vacancies, delinquent tax payments, residential structures in excess of 50 years old and age as well as any deficiencies associated with the existing infrastructure. Except for the Hospital Property (Block 57 Lots 18 and 19) these conditions can be found to a certain degree throughout the remainder of the study area.

Starting with the infrastructure conditions, the interior roads of the study area, consisting of Rutherford Ave South and Old Franklin Ave, are in fair to poor condition in terms of the surface of the roads and the drainage systems associated with these roadways are limited to non existent – see photos on the next page.

The water and sanitary sewer systems associated with this part of the Borough are in generally good condition because of upgrades that have been undertaken but the systems have some problems and the age of both systems meet the statutory requirements.



PAVEMENT CONDITIONS

In addition the age of many of the residential structures, in particular, meet the 50 year threshold requirement. However, in terms of deteriorated structures, vacancies and tax delinquencies, although some properties meet one or more of these criteria, most do not. So, it is the conclusion of this report that the properties along Rutherford Ave South – generally described as being Block 57 Lots 34 to 40 should not be designated as An Area In Need of Rehabilitation at this time.

4.0 STUDY SUMMARY

4.1 PLANNING CONSIDERATIONS

This section of the Borough is one of the “Gateways” of the community and as such helps establish the image of Franklin Borough, for better or worse. The Ad Hoc Committee report envisioned a much more expansive redevelopment project than is recommended in the following section 4.2. Nevertheless, the scaled back nature of that aforementioned recommendation does not mean the original vision of the Ad Hoc Committee Report was faulty. It simply means that other means should be used to achieve those ends than just the use of the Area In Need of Redevelopment designation.

For example, the Hospital property should be considered as a candidate for rezoning. And the properties at the north end of Rutherford Ave South should be allowed to transition from residential to commercial uses via the current zoning regulations. Although some consideration might be given to tweaking the current regulations, so that fewer dimensional variances would be needed in connection those transitions.

The portion of the study area that is proposed in section 4.2 to be designated as An Area In Need of Redevelopment, is the most visible and some would argue the most important part of the study area. It is not a large area - just over 5 acres – and certainly much less than originally envisioned in the Ad Hoc Committee Report. But those 5 acres have the potential to be an exciting Gateway component if redeveloped using a comprehensive approach. Such a comprehensive approach would be difficult to achieve if the current zoning controls were relied upon to make that happen. This is true because of the diversity of ownership, as well as other constraints associated with the existing conditions of the various properties. Among the constraints that a comprehensive approach could address is the alignment of the existing roads. Rutherford Ave South and Old Franklin Ave in particular do not need to be aligned as they are now in order to provide needed access. A comprehensive plan for this area might very well realign these roads. Drainage is another issue that would best be handled comprehensively, rather than on a lot by lot basis

The purpose of this report is not to present a redevelopment plan for the area, its sole purpose is to determine whether or not all or a portion of the study area should be designated as An Area In Need of Redevelopment. However, looking down the road to the day when the Borough begins work on a redevelopment plan, the thought is that in this particular instance, it should be done as if starting with a “blank slate”. In other words, none of the nine properties identified in section 4.2 are important enough from a historical or architectural viewpoint to keep them intact. That’s not to say that the plan may not keep one or more intact anyway but that is a decision that will be made at a later date. Suffice it to say that at this time it would seem obvious that the redevelopment of the 5 acres in question, as either a commercial or mixed use complex, not be constrained by the need to protect or preserve any of the nine properties in question

4.2 CONCLUSIONS AND RECOMMEDATIONS

As already noted herein, the original study area, as recommended in the Ad Hoc Committee Report, has been reduced substantially to include only nine properties for further consideration – see the aerial photo and corresponding map in Appendix A. Those nine properties – Block 57 Lots 28 to 33 ; Block 67 Lots 2 and 3 : Block 69 Lot 1 - are hereby determined to qualify as An Area In Need of Redevelopment and it is recommended that the Borough Council proceed with the necessary steps in connection with that designation, pending a formal resolution from the Borough Planning Board.

It is further recommended that the Borough Council begin the necessary steps to prepare a redevelopment plan for this area, once the formal designation as An Area In Need of Redevelopment has been accomplished

APPENDIX A




STUDY AREA MAP AND AERIAL PHOTO

EXHIBIT 1

AREA D

AN AREA IN THE VICINITY
OF THE ROUTE 23
CORRIDOR IN THE
SOUTHERN PART
OF THE BOROUGH

Legend

-  Parcels
-  Study Area
-  Flood Plain

0 100 200
Feet

December 6, 2012

Prepared By:

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



Harold E. Pellow & Associates, Inc.
Consulting Engineers
C.O.A. #24GA27958300
Augusta, N.J.

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

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

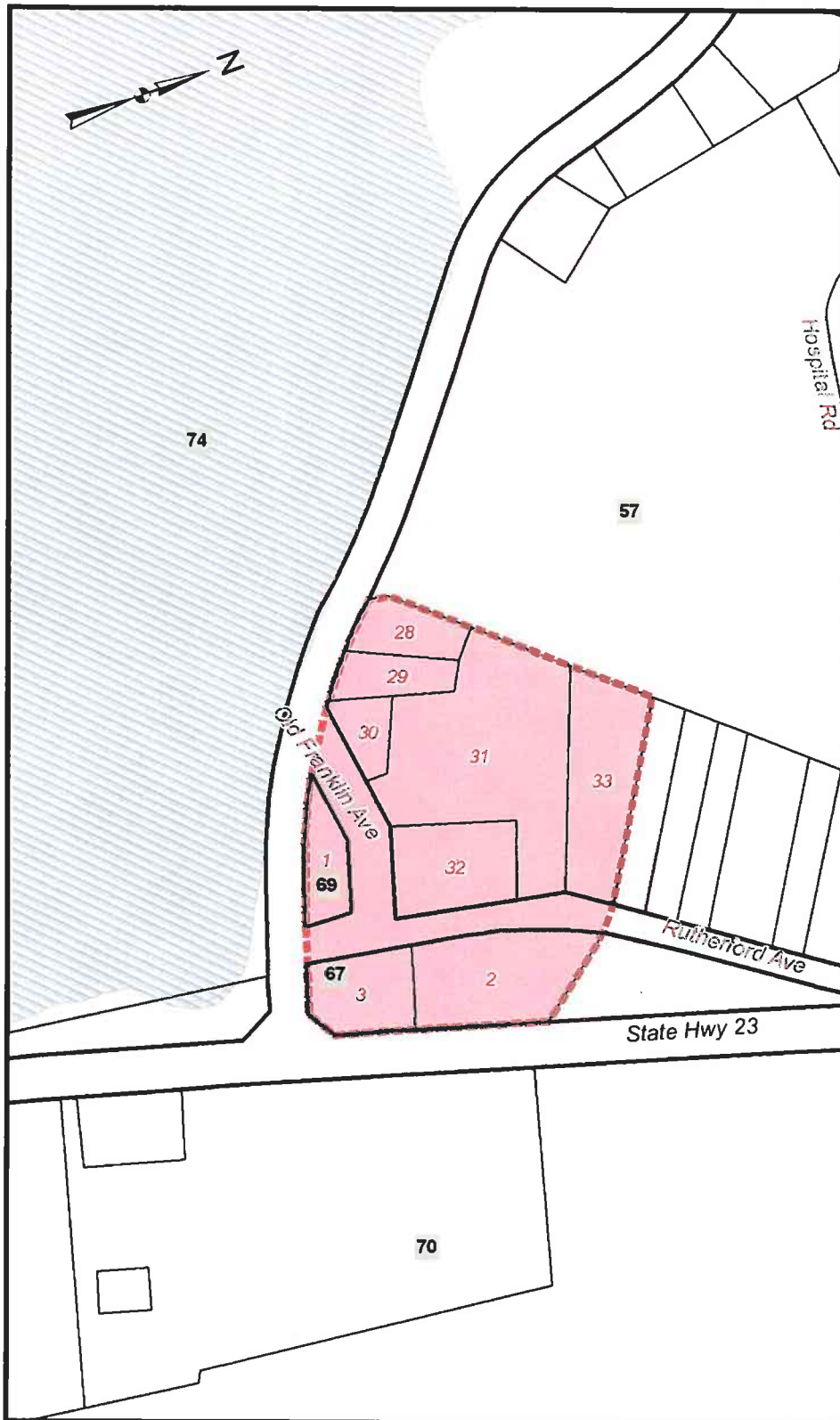




EXHIBIT 2

AREA D
AN AREA IN THE VICINITY
OF THE ROUTE 23
CORRIDOR IN THE
SOUTHERN PART
OF THE BOROUGH

Legend

 Study Area

0 100 200
Feet

December 6, 2012

Prepared By:

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



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

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Environmental Protection
Geographic Information
System digital data, but this
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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	NHP	OS/GU	GC	Q	HMF	NC ¹
Detached single-family	P			P											P	
Apartment					P	Upper floors of upper section only	Upper floors only	Upper floors only							P	Upper floors only
Attached single-family/townhouses					P		P								P	
Governmental buildings and uses						P (upper section only)		P	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. 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 site.

FRANKLIN CODE

Uses	R-1	R-2	R-3	R-4	NF	ZM	B-1	B-2	HC	I	MHP	OS/GU	GC	Q	IINF	NC ¹
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							P
Distribution centers, warehouses										P						
Building materials, grain and feed establishments									P	P						
Automobile sales									P							
Automobile service stations									C							
Automotive repair services									C	P						
Driving alleys, health clubs and buildings intended for tennis and similar sports activities						P (upper section only)			P	P						P
Retail greenhouses and nurseries						P (upper section only)		P	P	P						
Hotels and motels								P	P	P						
Golf courses, executive and regulation																

NOTES:

- 1 See § 161-13F, 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.

LAND DEVELOPMENT

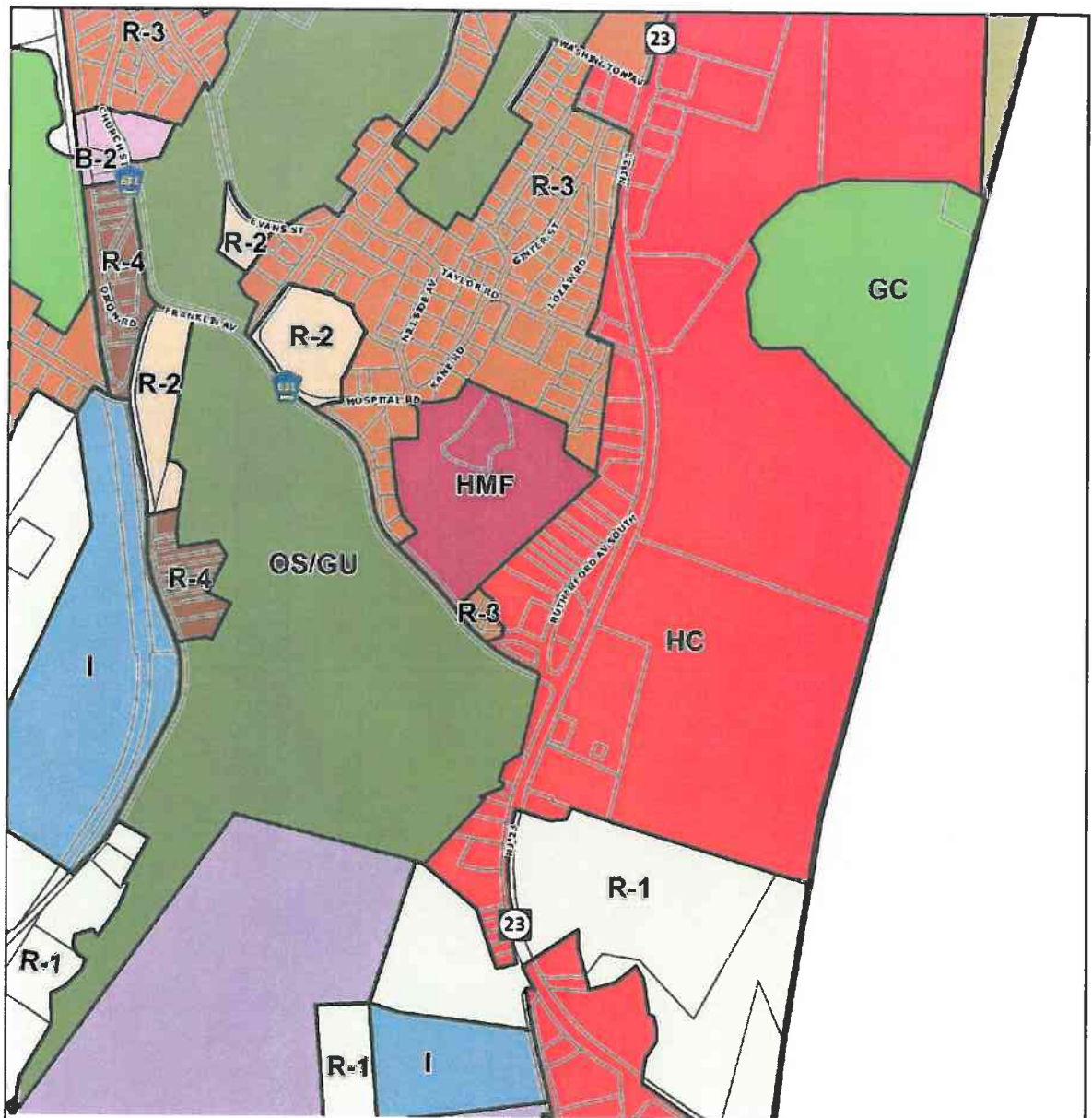
Uses	R-1	R-2	R-3	R-4	MF	ZM	B-1	B-2	HC	I	MHP	OS/GU	GC	Q	HHF	NCV
Research laboratories										P						
Manufacturing, fabrication and assembly										P						
Quarries																
Private garages	A	A	A	A	A											
Sheds, gazebos and similar structures	A	A	A	A											A	
Barns, silos and other 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	I	A	A
Signs	A	A	A	A	A	A	A	A	A	A	A	A	A	I	A	A
Home occupations	A	A	A	A												
Recreation building and personal facilities	A	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									C	C						
Drive-through uses									C							C
Museums						P (upper section)										
Minerological landmark uses		C														
Planned adult community						P (lower section)										
Outdoor storage									A	A			A	A		A

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 site.

APPENDIX C

A PORTION OF THE BOROUGH ZONING MAP



ZONE LEGEND	
Zone Name	
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 3 Acre
I, Industrial	R-2, Single Family Residential 1 Acre
MAAH, Mixed Active Adult Housing Zone	R-3, Single Family Residential 15,000 s.f.
MF, Multi-Family	R-4, Single Family Residential 6,250 s.f.
	ZM, Zinc Mine Mixed Use