

# The Area E East Redevelopment Plan

Borough of Franklin, Sussex County, New Jersey

Adopted by the Franklin Borough Council on \_\_\_\_\_



THE FORMER NJ DIVISION OF PARKS AND FORESTRY BUILDING

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## **APPENDIX A**

### **EXHIBIT 1 - THE REDEVELOPMENT PLAN MAP FOR *AREA E EAST***

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Kenneth P. Nelson PP License # 1314

# 1. INTRODUCTION

## OVERVIEW AND LEGAL REQUIREMENTS

The *Area E East* Redevelopment Plan is part of a long term effort intended to help achieve the goal of strengthening the economic base of the community. That effort has involved several locations within the Borough of Franklin, one of which is the location that is the subject of this plan – *Area E East*.

The effort to strengthen the economic base of the community grew out of a series of recommendations, which are contained in the 2010 Franklin Borough Redevelopment Ad Hoc Committee Report. In that report, Area E, located in the southern portion of the Borough, was identified as a potential “Area In Need of Redevelopment” and subsequently became the subject of a redevelopment area designation study by the Borough Planning Board during 2011 and 2012. In accordance with all of the statutory requirements pertaining to the designation of one or more properties as An Area In Need of Redevelopment, The Borough Council, in June of 2012, officially designated Area E as “An Area In Need of Redevelopment”. The designation was based on the contents of the Planning Board report, the public hearing process associated with that report and the recommendation of the Planning Board to proceed with the designation. The next step in this process, now that the area in question has been designated as a redevelopment area, is to prepare a redevelopment plan for the properties in question.

Area E consists of two geographic parts – **Area E East** located on the east side of Route 23 and **Area E West**, located on the west side of that roadway. There are approximately 85 acres and six lots on the east side of Route 23 and approximately 15 acres and 13 lots on the west side of Route 23. However, it was the decision of the Borough Council to proceed with a redevelopment plan for only the east side of Route 23 at this time.

Although there is some relationship between the two segments of Area E, the fact that they are separated by Route 23, does allow each segment to be considered independently from the other. So, plans for each side of Route 23 can proceed independently of one another, provided there is coordination in connection with the preparation of the two plans. The Borough Council fully intends for that coordination to occur at the appropriate time

All redevelopment plans must be tailored to fit the geographic area for which the plan is prepared and must take into consideration the planning policies and goals of the community. Furthermore, each redevelopment plan must deal with the realities that exist and with any special considerations affecting the properties involved. And each redevelopment plan must, by statute, address at a minimum, the following items:

- The relationship of the plan to local planning objectives
- Proposed land uses and building requirements in the project area
- A resident relocation strategy, if required
- The identification of any property proposed to be acquired

- The relationship of the plan to the plans and policies of other governmental entities
- Other technical and administrative details normally incorporated into a redevelopment plan, as prescribed by law

This plan will meet the above referenced requirements and will establish the initial framework for the future redevelopment of what is now known as *Area E East*. The Redevelopment Plan for *Area E East* consists of the text of this document, as well as the map in Appendix A, entitled “**The Redevelopment Plan Map for Area E East**”

#### **THE CONTEXT AND HISTORY OF THIS EFFORT**

The request by the Borough Council to the Planning Board to undertake a designation study, identified the following properties as being within the limits of Area E on the east side of Route 23

<b>Property</b>	<b>Location</b>	<b>Size</b>	<b>Zone</b>	<b>Owner</b>
Bl 70, Lot 7.05	116-120 Rt 23	44.0 ac	HC	Group 5 Development, LLC
Bl.70, Lot 13	50 Rt 23	22.1 ac	R-1	Hardyston Board of Education
Bl.70, Lot 14	36 Rt 23	0.98 ac	HC	Rowett, Richard & Carolyn
Bl.70, Lot 15	20 Rt23	3.9 ac.	HC	NJDEP (NJ Div. of Forestry)
Bl.70, Lot 16	10 Rt 23	13.3 ac	R-1	Hardy, Ann Douglas
Bl.70, Lot 17	2 Rt 23	4.0 ac	R-1	Massey Joseph

**Please note that subsequent to the preparation of the designation study, the Borough Council revised all of the block and lot designations within the municipality and the aforementioned block and lot numbers have changed. The new block and lot numbers will be utilized throughout the remainder of this report.**

During the public hearing process related to the designation study, there was a substantial amount of public input regarding each of the properties in question. Of particular note were the comments offered by the Hardyston Board of Education regarding the inclusion of the Hardyston Elementary School within the redevelopment area. The Hardyston School property, now known as Block 1601 Lot 10, represents a unique situation, whereby a school serving the needs of one community (Hardyston) is located within the boundaries of another municipality (Franklin), whose children do not attend the school in question. So, given the nature and ownership of the property in question, the result is that a prime piece of real estate that could be contributing to the tax rolls of Franklin Borough is tax exempt. Based on this unique situation, as well as the fact that a collector road is proposed to be constructed along the easterly edge of the Hardyston School property, it was decided that this property could qualify as part of a proposed redevelopment area.

The Hardyston Board of Education disagreed and requested that the property be removed from the redevelopment area boundaries. It was explained to the Board of Education that the Borough of Franklin had no intention of forcing the redevelopment of this property and the relocation of the school unless the Board of Education were in full support of that happening. Nevertheless, the Board of Education maintained the objection to the property being included. The Planning Board, after much consideration and discussion, voted to

continue to include the Hardyston School property within the proposed redevelopment area and the Borough Council initially concurred. However, upon further reflection the Borough Council has decided to remove the Hardyston School property from the proposed redevelopment area and it will not be included as part of this plan. Nevertheless, this plan will include some references to this property and will include some brief comments about the possible use of this property, if and when the school is relocated at some point in the future.

As a result of the Hardyston School property being removed from the redevelopment area, it was also necessary to consider how other properties on the east side of Route 23 would be impacted by this decision. The Group 5 Development LLC property – now known as Block 1601 Lot 5 - is probably most affected by the removal of the Hardyston School, because that removal now isolates the Group 5 property in that it is no longer connected to the remainder of the redevelopment area on the east side of Route 23. However, the size of this property – it constitutes more than half of the redevelopment area on the east side of Route 23 – and the fact that it will be connected in the future to the remainder of the redevelopment area when the proposed collector road is constructed and also that the inclusion of the Group 5 property is actually essential to the completion of the collector road, made the decision to retain the Group 5 property as part of the redevelopment area, an easy one.

A more difficult decision involved the Rowett property, now known as Block 1601 Lot 9. This site is small (just under one acre) and access to it is difficult. It is also bordered by a stream that separates it from two of the redevelopment area properties (The former NJ Division of Parks and Forestry building and the Hardy property) immediately to the southeast. Continuing to include it in the redevelopment area, absent the Hardyston School property, which borders it to the northeast and northwest, reduces the redevelopment options for this property considerably. Consequently, the Borough Council decided to remove this property from the redevelopment area along with the Hardyston School property.

In summary, this plan will focus on the four lots, consisting of 65.2 acres, which now comprise the *Area E East* redevelopment area. However, as already noted, the two properties that have been removed from the redevelopment area will be mentioned, although they are no longer part of the redevelopment area or the redevelopment plan.



## **2. LOCAL PLANNING OBJECTIVES AND THE GOALS AND OBJECTIVES OF THIS REDEVELOPMENT PLAN**

Franklin Borough has been engaged in a comprehensive planning process for decades, updating its planning policies and objectives on a regular basis. This redevelopment plan is part of that process and builds on what has gone before it, including but not limited to the 2003 Franklin Borough Master Plan and the 2009 Franklin Borough Master Plan Reexamination Report, as well as the previously mentioned Franklin Borough Redevelopment Ad Hoc Committee Report.

In the aforementioned documents, there are repeated references to the future of the Route 23 area, the problems associated with this part of the Borough and how those problems should be addressed. It should also be noted that the 2009 Master Plan Reexamination Report contained a new Circulation Plan Element and that document was incorporated into the Borough Master Plan at that time. The Circulation Plan Element was based on a study done by the NJ Dept of Transportation, with most of the focus of that document centered on the Route 23 corridor.

Furthermore, the designation study for Area E made a number of observations, which need to be repeated here and can be summarized as follows:

The Area E Redevelopment Area includes a unique mix of uses and properties. These properties and uses include but are not limited to some remnants of a commercial period, in Franklin's past, which has largely disappeared along most other parts of the Route 23 corridor. Also included are large tracts of land that are either undeveloped or only minimally developed and several public properties – which once served an appropriate role where they are located – that will not be beneficial to Franklin's future if they remain as is. The Area E Redevelopment Area is also a gateway area to the Borough, which in many respects does not leave one with a favorable impression when first entering the community.

Given the aforementioned statements, as well as other applicable considerations, the following goals and objectives for the *Area E East* Redevelopment Area have been identified as both necessary and realistic:

### **Redevelopment Goals**

The redevelopment goals that the Borough wishes to achieve in this redevelopment area are:

- To encourage commercial and offices uses along Route 23
- To strengthen existing commercial districts and corridors by encouraging a mix of uses that provide employment, retail opportunities, services and entertainment
- To encourage the use of vacant non residential buildings

## Redevelopment Objectives

Activities and projects to be undertaken in this redevelopment area will be undertaken in conformity with and will be designed to meet the following objectives of the redevelopment plan.

- The primary objective of this Redevelopment Plan is to eliminate those conditions that caused these properties to be considered an “area in need of redevelopment.” namely, the upgrading and / or removal of structures that are either substandard, functionally obsolete, or exert an adverse influence on the area.
- The stimulation of private investment in the Redevelopment Area
- The construction of a collector road to reduce traffic congestion along Rt. 23
- The promotion of the health, safety and general welfare of the area through redevelopment of the parcels included in the Redevelopment Area.

In addition to the aforementioned goals and objectives, the following selected excerpts from the 2009 Master Plan Reexamination Report are presented in support of the preceding statements that highlight the issues and municipal policies, which relate to the Route 23 area, in general, and some that specifically apply to the *Area E East* properties, in particular

- From Section 2, page 6: “More commercial and office development needed to be encouraged along the Route 23 corridor and all commercial districts in the Borough needed to be strengthened by encouraging a mix of uses that would provide a variety of employment opportunities and services”
- From Section 2, page 6: “A concern about the community “gateways” was raised and the need was seen to enhance the appearance of potential gateway locations (along Route 23), as well as to provide a more direct link and sense of entry from Route 23 to Main Street”
- From Section 4, page 14: “**BIG BOX DESIGN ISSUES** – A recent application for a “Big Box” commercial establishment has generated discussion about how to make these large commercial structures visually appealing by enacting some design guidelines. The use of a form based code could be helpful in this situation”.
- From Section 4, page 14: “**THE HARDYSTON SCHOOL SITE ZONING** – The Hardyston Township Board of Education owns and operates an elementary school that is actually located in Franklin Borough. It is in a prime location with direct access to Route 23. There has been some discussion about that facility being replaced by a new

school presumably to be built in Hardyston. It has been suggested that the Borough begin to consider alternate uses for this property”.

- From Section 5, page 20: “The theme of the TVP (Transportation Vision Plan) can be summarized in one word and that is **CONNECTIVITY**. Since there is no chance of Route 23 being widened or relocated, so that it is more of a limited access roadway, the Borough must find a way to divert as much traffic from Route 23 as possible. This can be done and the TVP offers specific ideas about how to develop a network of roads in the vicinity of Route 23 that can separate the more local traffic from the traffic using Route 23 to reach destinations north and south of the Borough. Actually the Borough has been pursuing this strategy for a number of years now and the aforementioned network already partly exists. However, in order for this interconnected network to really have an impact more components need to be implemented. One of the key components of this network is the north / south bypass (collector) road (The Munsonhurst Road Extension) that would be located near and parallel to the eastern boundary, which the Borough shares with Hardyston Township. This road is envisioned as a public road from Route 517 (Munsonhurst Road) to the Weis Markets entrance. This bypass road would allow traffic heading north from the Route 23 / Route 517 intersection to travel a considerable distance parallel to Route 23 and access various commercial and other destination points along this route without having to access Route 23. This road would obviously also allow for return trips in a southerly direction. The bypass road would stop short of paralleling Route 23 through the entire Borough but it would extend nearly a mile, once fully constructed, before traffic would have to re-enter Route 23”.
- From Section 5, page 21: “Consideration should also be given to revising the Borough Land Use regulations in order to establish more of a mixed use land use pattern, which would consist of a variety of retail commercial, office and residential uses. However, any such change should be careful not to intensify the level of activity along the Route 23 corridor and adjoining connecting roads in such a way as to offset the benefits that the Borough’s “connectivity” strategy seeks to establish. The TVP then sets the stage for the Borough to take the next step needed, which will be to undertake a detailed analysis of the land use policies related to the Route 23 corridor and what specific changes should be made not only to the Land Use Plan Element but to the Land Use Regulations of the Borough as well”.
- From Section 5, page 21 (An excerpt from the Borough’s “Vision Statement”, which attempts to envision the Franklin landscape in



the year 2030): “.....THE ROUTE 23 CORRIDOR WILL HAVE ACHIEVED A BALANCE BETWEEN BEING A REGIONAL ARTERIAL ROADWAY, CARRYING TRAVELERS THROUGH FRANKLIN TO OTHER DESTINATIONS, AND SERVING ITS OTHER FUNCTION AS A SECOND “MAIN STREET”, BY BEING THE PRIMARY ACCESS TO THE MANY BUSINESSES AND RESIDENTS IMMEDIATELY ADJACENT TO THIS TRANSPORTATION CORRIDOR. THIS WILL BE ACHIEVED BY APPROPRIATE IMPROVEMENTS TO ROUTE 23 ITSELF, AS WELL AS VIA AN INTERCONNECTED NETWORK OF BYPASS AND CONNECTOR ROADS, SUPPLEMENTED BY AN EXTENSIVE PEDESTRIAN / BICYCLE NETWORK. THE VIBRANT “MIXED USE” ENVIRONMENT THAT WILL BE CREATED IN THIS AREA WILL MAKE THE ROUTE 23 CORRIDOR A MORE DIVERSE, DYNAMIC AND INTERESTING PART OF THE BOROUGH THAN IT WAS AT THE BEGINNING OF THE 21<sup>ST</sup> CENTURY.....”

- From Section 5, page 25: “Furthermore, with respect to this issue there is also some concern about the future viability of the retail and service commercial sector, within the Route 23 corridor. Changing buying habits, the current economic slowdown, the continuing concern about how the Route 23 commercial sector will impact the revitalization of the Main Street area and how the redevelopment of Main St could affect Route 23, all call into question the advisability of rezoning additional acreage, at this time, for commercial use along Route 23. In addition, it has been suggested by NJDOT, that the Borough should attempt to create “mixed use” environments within the Route 23 Corridor that would establish “walkable” neighborhoods, which would incorporate residential and commercial land uses into the same location. Such an approach, if it is to be pursued, will require substantial changes to the Borough’s land development regulations.

In summary, the Borough’s focus on the Route 23 corridor has been comprehensive, as can be seen from the aforementioned statements contained in the 2009 Master Plan Reexamination Report. Now, the next step of facilitating the redevelopment of selected properties in this area – specifically the *Area E East* segment of the Route 23 corridor - will be the job of this redevelopment plan

### **3. THE PLAN DETAILS**

#### **OVERVIEW**

This plan is intended to provide the general framework and strategy for the development and redevelopment of this redevelopment area. A portion of this plan references a detailed site plan and specifications for one of the properties (Block 1601 Lot 5), while offering a conceptual plan for the remainder. The intent is for the conceptual plan to serve as the basis for more detailed planning, at a later date, for the remaining acreage.

In terms of the physical characteristics of *Area E East*, The Preliminary Investigation Report for Area E prepared by the Nelson Consulting Group and dated March 12, 2012, provides a substantial amount of detail about the existing conditions associated with the four properties, which are the subject of this plan and that information is adopted herein by reference. Suffice it to say, that the physical conditions present in this area are varied and portions of the area are constrained by such things as steep slopes, flood hazard areas and wetlands. Nevertheless, there is enough unconstrained land within this designated redevelopment area to allow for the addition of a substantial amount of new development to take place at this location within the Borough

The following plan details will be presented in two segments. The first segment will focus on Block 1601 Lot 5. The second segment will provide the conceptual plan for the remaining three properties, collectively, although it isn't essential that all three be developed / redeveloped together. Finally, this plan will also offer some general thoughts – although not officially as part of this redevelopment plan – about the future role of the Hardyston School property and to a lesser extent the Rowett property.

#### **BLOCK 1601 LOT 5**

As already noted earlier in this document, of the four properties that are the subject of this plan, Block 1601 Lot 5 is the only one separated from the remainder of the redevelopment area, because of the removal of the Hardyston School property. This property was included in the redevelopment area because it had been vacant for many years and the development and redevelopment of this site is contingent upon a complex real estate arrangement between the property owner – Group 5 Development LLC – and a major national retailer – Wal-Mart.

Block 1601, Lot 5 was the subject of a land use application that was approved by the Borough Planning Board by resolution dated November 21, 2011. The development of Block 1601, Lot 5 shall be consistent with and shall not deviate from the requirements provided in the Borough Planning Board's November 21, 2011, resolution. This includes, among other things, adherence to the approved site plan for this property, which also depicts the alignment of a portion of the collector road that will be constructed as part of this project.

The land use controls and building restrictions set forth and included by reference in this redevelopment plan shall apply to the development of Block 1601 Lot 5 and shall supersede any requirements set forth in the Borough of Franklin Zoning Ordinance. All other development regulations of the Borough of Franklin shall remain applicable.

Specifically, the redeveloper of Block 1601, Lot 5 will be required to:

- Submit construction and site development plans in compliance with the Borough Planning Board's November 21, 2011, resolution.
- Submit a written development schedule and commence the undertaking of the development in accordance with the development schedule and the developer's agreement.
- Agree that no covenant, conveyance agreement or other instrument relating to the Property shall be effected or executed on the basis of race, creed, sex, religion, color, age, national origin, or ancestry in the lease, use or occupancy thereof.
- Maintain the structures and facilities in accordance with all codes and ordinances of the Borough.

In addition to the aforementioned details regarding the redevelopment of Block 1601 Lot 5, a conceptual redevelopment plan (Exhibit 1) included in this document, depicts "conceptually" how this property will be redeveloped – based on the approvals granted by the Planning Board - and how the development / redevelopment of Lot 5 relates to the proposed development / redevelopment of the remainder of *Area E East*. And of particular importance is also the depiction, in Exhibit 1, of the general alignment of the proposed collector road through Lot 5, as well as the open space areas that will be protected .

It should also be noted with respect to this site, that if the Wal-Mart project does not proceed as anticipated within 24 months from the adoption of this plan, the Borough will revisit this portion of the redevelopment plan and will make any necessary changes as required to facilitate the redevelopment of this property

#### **BLOCK 1601 LOTS 6, 7 and 8**

The remainder of the redevelopment area consists of three lots, which have a total land area of approximately 21 acres. The key property in this segment of the redevelopment area is the former NJ Division of Parks and Forestry building, which is pictured on the front cover of this document. That property, formerly known as Block 70 Lot 15 and now known as Block 1601 Lot 8, consists of 3.9 acres and accommodates a one story structure plus a substantial amount of paved area. It is the intent of this plan to offer an alternative land use scenario that will allow the State of New Jersey to declare this site as surplus property, thereby allowing it to be redeveloped via a private sector initiative.

Immediately adjoining the Division of Parks and Forestry building is an oddly shaped lot consisting of slightly more than 13 acres. This property was formerly identified as Block 70 Lot 16 and is now known as Block 1601 Lot 6. This property accommodates a single family residential structure.

The last lot of this group is a vacant parcel, formerly known as Block 70 Lot 17 and now known as Block 1601 Lot 7. This lot consists of approximately 4 acres and immediately adjoins Lot 6 on its east side.

As noted earlier in this document and as explained more extensively in the designation report for Area E, these three lots are constrained by various environmental features that exist on or in close proximity to this acreage. Obviously any development / redevelopment plan for these lots will be required to respect those constraints.

Given the prime location of these properties, with respect to access to Route 23, it is anticipated that the future use of some of this acreage will be commercial in nature. In particular, it is anticipated that Lot 8 will accommodate some type of retail commercial or office use but it might also be advisable to incorporate a residential component on this property as well. In terms of the specific dimensional and other requirements associated with this property, it is anticipated that they will be similar to the current HC Zone standards but will allow for more flexibility and more intensive development. In summary, a mixed use redevelopment strategy for this property is both appropriate and to be encouraged

The same set of standards would be applied to Lots 6 and 7, as well. However, there are more constraints associated with these two lots, than there are with Lot 8. Consequently, this plan provides for a significant portion of these two lots to be set aside as permanent open space.

Exhibit 1 in this document graphically depicts where the new development would occur and where the open space areas would be located on Lots 6, 7 and 8. It must be emphasized, however, that Exhibit 1 is only a conceptual depiction of the proposed land use categories

This plan, as just noted, provides a conceptual framework for the redevelopment of these properties. The next step, then, will be to solicit redevelopment plans from prospective redevelopers for each lot individually or all three collectively. Each proposal would then be evaluated in terms of its consistency with this plan and with the planning policies of the Borough. Based on that evaluation, the plan(s) selected would be incorporated into this plan and the applicable standards would control all development / redevelopment activity related to these properties.

It is also important to note that the proposed collector road that will ultimately connect with Route 23, in the vicinity of the Route 23 / Route 517 intersection, will traverse Lot 6 and possibly Lot 7, as well. It will therefore be the responsibility of the redeveloper to construct this roadway, in cooperation with the Borough of Franklin. The specific details of that cooperative effort would be clarified in the redevelopment agreement

#### **THE HARDYSTON SCHOOL PROPERTY AND THE ROWETT PROPERTY**

These two properties (Block 1601 Lot 10 – The Hardyston School and Block 1601 Lot 9 – The Rowett property) are not included as part of this redevelopment plan but they each could have a substantial impact on the future of this redevelopment area. Whether or not each property is at some point formally included in the redevelopment area or are simply rezoned, remains to be seen. Nevertheless, it is appropriate, at this time, to speculate about how each property might be used in the future

As has been stated repeatedly at public meetings, there is no intent to force the relocation of the Hardyston School. Consequently, the school may very well be at this location for another 10 or 20 years or even longer. At some point, however, it may be advantageous to the Hardyston Board of Education and the residents of Hardyston Township to relocate the school and take advantage of any private sector interest in the redevelopment of this site.

Although this site is currently zoned for low density single family residential development, given its prime location and access to Route 23, it is anticipated that the front portion of the site (the first 300' to 400') would be best used for some type of commercial development. The rear portion, however, might best be used for some type higher density residential development than the R-1 zone permits. This of course will require much more study and analysis in order to devise a specific development strategy but given the size of the property (22 acres) and its physical attributes, a mixed use urban style "walkable "village" environment is something that could be a real asset to the community. The Rowett property that immediately adjoins the school site could be incorporated into such a redevelopment plan but in the meantime should probably remain as a residential property, since it has too many constraints to be used effectively for commercial purposes.

Exhibit 1 does not depict the aforementioned possible development / redevelopment strategy for these two properties because they are not included as part of this redevelopment plan. However, it should be noted that Exhibit 1 does depict the proposed collector road traversing the school site, toward the rear. Regardless of whether or not the school site is ever part of this redevelopment area, it may be necessary at some point for the Borough to actively pursue the construction of this portion of the proposed collector road. If the collector road is constructed on Lots 5, 6 and 7, then it would be imperative to construct the "missing link" through the rear of the school property, in order for the collector road to function as intended.

#### **PLAN SUMMARY**

In summary, the development / redevelopment strategy for *Area E East* is as follows:

- Proceed with the development of Block 1601 Lot 5 in accordance with the provisions of the Franklin Borough Planning Board approvals
- Pursue a mixed use development strategy for the remainder of the redevelopment area that will include commercial development and may or may not include a residential component
- Continue to pursue the completion of the proposed collector road from the Route 23 / Route 517 intersection north to a point just to the south of the existing Weiss Markets building.



#### 4. CONSISTENCY REVIEW

As required by the NJ Redevelopment and Housing Law, this section describes the consistency between the *Area E East* Redevelopment Plan and various planning documents including the Franklin Borough Master Plan, as well as the master plans of contiguous municipalities, the Sussex County Master Plan, The Highlands Regional Master Plan and the New Jersey State Strategic Plan.

As already discussed in Section 2 of this document, Franklin Borough officials have spent many hours considering the future of the Route 23 corridor. And those deliberations are reflected in the contents of the 2003 Franklin Borough Master Plan and 2009 Franklin Borough Master Plan Reexamination Report. Based on a review of those documents and the proposals contained in this plan, there is no question that this plan is consistent with the policies and objectives adopted by the Borough for this part of the community

In terms of this plan's consistency with other planning documents, the only municipality that is contiguous to this part of Franklin is Hardyston Township. Ogdensburg, Hamburg and Sparta are also contiguous to Franklin but those municipalities are far removed from the four properties that are located within the *Area E East* Redevelopment Area. Consequently, only the land use plan for that part of Hardyston near the subject properties need be considered.

Hardyston and Franklin share a boundary line that is near the foot of Hamburg Mountain. As one moves east from that boundary, the topographic conditions become very severe, whereas to the west of that line, the topographic conditions are substantially less severe. Hardyston in recognition of the environmental constraints associated with this part of the Township has designated this area primarily for large lot residential development, although in parts of this area, any development would be problematic. Also, portions of this area immediately to the east of the aforementioned boundary line are owned by the State of New Jersey and have been set aside as permanently preserved open space. The development and redevelopment of the properties that comprise the *Area E East* Redevelopment Area will have a minimal impact on this part of Hardyston Township primarily because of the physical separation that exists, which is the direct result of the topographic and forested conditions that can be found on the Hardyston side of the boundary line. Furthermore, this redevelopment plan proposes that portions of the redevelopment area adjacent to Hardyston be set aside as permanent open space.

This plan is also generally consistent with the remaining applicable planning documents – The Sussex County Master Plan, the Highlands Regional Master Plan and the NJ state Strategic Plan. However, it should be noted that Franklin Borough has chosen not to bring its planning policies into direct conformance with the Highlands Plan. Nevertheless, this plan generally respects the environmental constraints that exist in this area and any development / redevelopment of any of the properties that are part of *Area E East* will be required to comply with all New Jersey regulations pertaining to the protection of such areas as flood zones and wetlands. Also any steep slope areas that will be disrupted will comply with all of the regulations promulgated by the local soil conservation district.

With respect to the Sussex County Master Plan, that document recognizes the importance of increasing and strengthening the economic base of the communities with Sussex County but not at the expense of decimating the natural features that make Sussex County's natural environment second to none. This plan seeks to achieve that delicate balance of providing for more economic development in appropriate locations, while at the same time setting aside areas as permanent open space

The NJ State Strategic Plan, as of the date of this plan, has not yet been adopted but is expected to be soon. That plan is intended to replace the State Development and Redevelopment Plan that was much more complex and attempted more of a "micro management" approach than is true of the new State Strategic Plan. Just as this plan is consistent with the Sussex County Master Plan, it is also consistent with the goals and objectives of this new approach by the State of New Jersey to guide development and redevelopment

## **5. ADMINISTRATIVE AND RELATED COMPONENTS OF THE PLAN**

In accordance with the provisions of the New Jersey Local Redevelopment and Housing Law ("LRHL"), N.J.S.A. 40A:12A-1 through N.J.S.A. 40A:12A-49, this redevelopment plan must adhere to certain procedural, legal and administrative requirements as described below:

### **Duration of Redevelopment Plan Restrictions**

The Redevelopment Plan and any modifications thereof shall be in force and effect for a period of twenty years from the date that the Borough Council first approves the Redevelopment Plan. The termination of this Redevelopment Plan shall in no way permit the project land or any part thereof to be restricted on the basis of race, creed, sex, religion, color, age, national origin or ancestry.

### **Amendments to the Approved Redevelopment Plan**

This Redevelopment Plan may be amended from time to time in accordance with the provisions of the LRHL as same may be, from time to time, amended and supplemented.

### **Resident Relocation**

It is not anticipated, at this time, that the Borough will be required to be actively involved in the relocation of any current residents of the redevelopment area.

### **Property to Be Acquired**

The Plan does not anticipate the acquisition of any properties at this time. The intent is for all properties to be acquired and developed / redeveloped through private initiative and without any local government involvement

### **Redevelopment Agreements:**

The following restrictions and controls on redevelopment are statutorily imposed by the Local Redevelopment and Housing Law, in connection with the selection of a redeveloper or redevelopers and shall apply notwithstanding the provisions of any zoning or building ordinance or other regulations now or hereafter in force. The restrictions and restraints shall be implemented by appropriate covenants or other provisions in redeveloper agreements and/or disposition instruments.

- The redeveloper(s) will be obligated to carry out the specified improvements in accordance with the *Area E East* Redevelopment Area Plan.
- The redeveloper(s), its successors or assigns shall devote land within the redevelopment area to the uses specified in this redevelopment plan.

- The redeveloper(s) shall begin the development of said land for the use(s) required in this redevelopment plan within a period of time consistent with the project timetable set forth in the redevelopment agreement.
- No covenant, agreement, lease, conveyance, or other instrument shall be effected or executed by the redeveloper(s), the Borough Council, or the successors, lessees, or assigns of either of them, by which land in the redevelopment area is restricted as to sale, lease, or occupancy upon the basis of race, color, creed, religion, ancestry, national origin, sex or marital status.
- Neither the redeveloper(s) nor the Borough Council, nor the successors, lessees, or assigns shall discriminate upon the basis of race, creed, religion, ancestry, national origin, sex or marital status in the sale, lease or rental or in the use and occupancy of land or improvements erected or to be erected thereon, or any part therein. All agreements, leases, deeds and other instruments from or between the Borough Council or its redevelopment entity and to or with a redeveloper shall contain a covenant running with the land requiring that the owner shall construct only the uses established in the current redevelopment plan; a provision requiring the redeveloper to begin the building of improvements for those uses within a period of time which the Borough Council or the redevelopment entity fixes as reasonable.

This concludes the Redevelopment Plan for *Area E East*

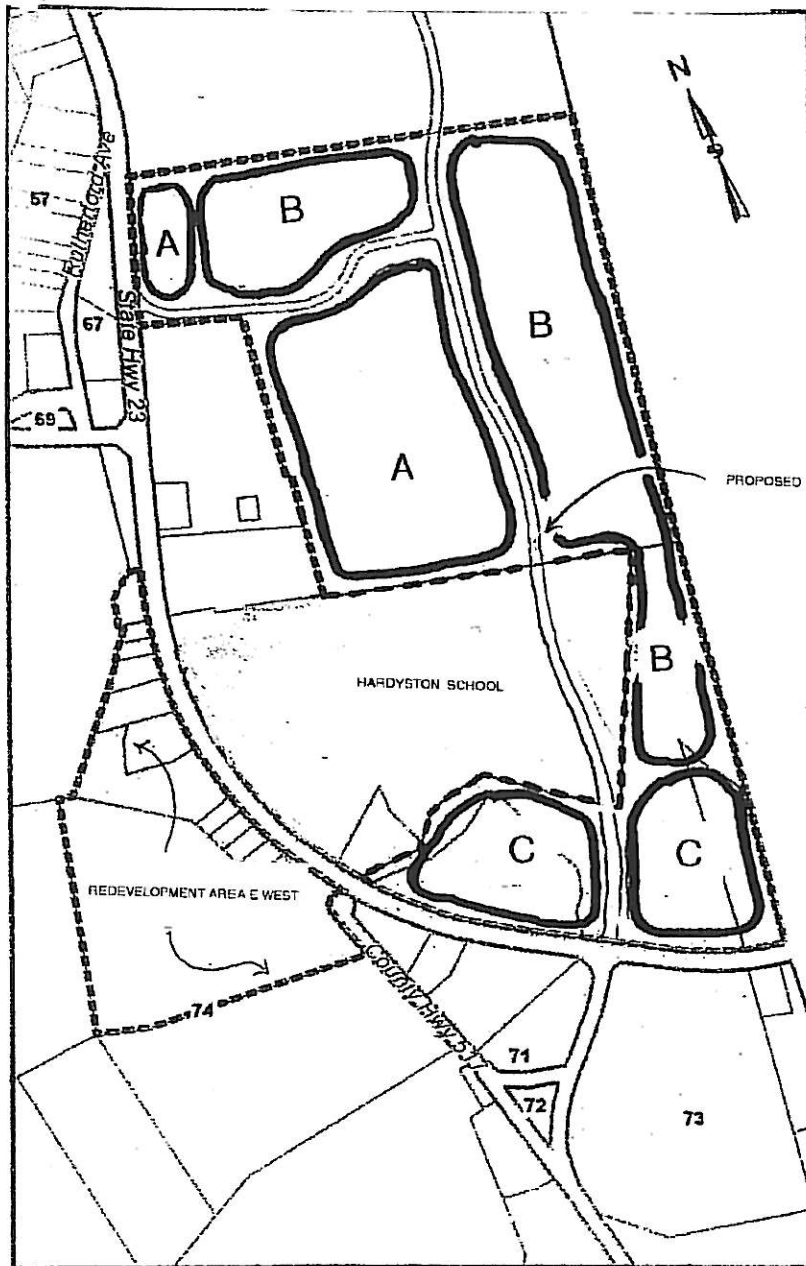
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## APPENDIX A



# THE REDEVELOPMENT PLAN MAP FOR AREA E EAST

## EXHIBIT 1



0 200 400  
Feet

AUGUST 2012

Prepared By: KPN

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



Harold E. Fallow & Associates, Inc.  
Consulting Engineers  
C.D.A. #24GA57859800  
Augusta, N.J.

"This map was developed using  
Bentley MicroStation  
software and the accuracy  
of the data is not  
guaranteed."

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### LEGEND

A - COMMERCIAL

B - OPEN SPACE

C - MIXED USE

REDEVELOPMENT AREA BOUNDARIES