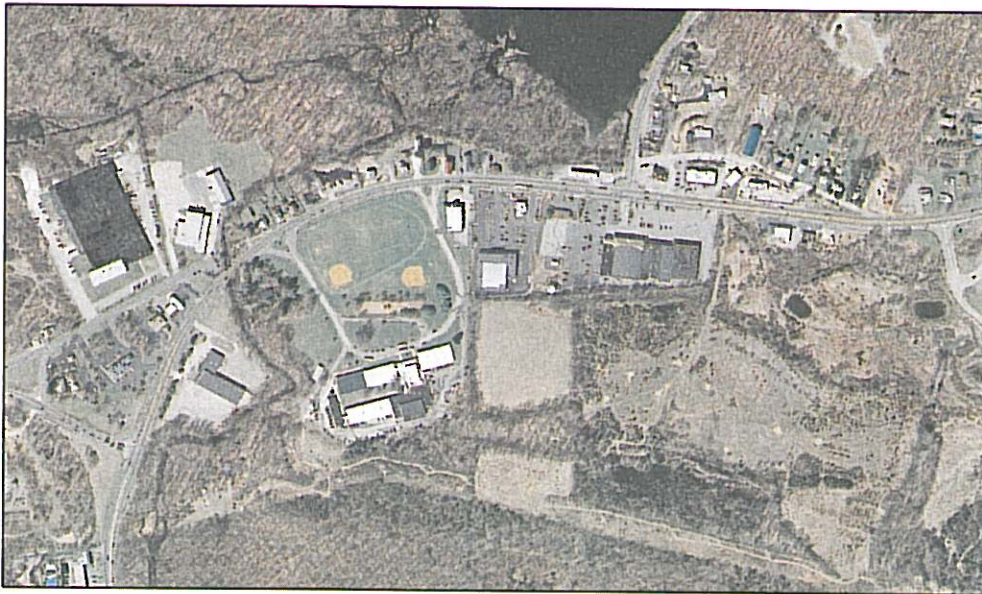


**A PRELIMINARY INVESTIGATION
REGARDING
THE DESIGNATION
OF
A PROPOSED AREA IN NEED OF REDEVELOPMENT
KNOWN AS
AREA E**

**A PORTION OF THE ROUTE 23 CORRIDOR
IN THE SOUTHERN PART OF THE BOROUGH**



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March 12, 2012**

TABLE OF CONTENTS

| SECTION | PAGE |
|---|------|
| 1.0 INTRODUCTION AND PURPOSE OF REPORT | 1 |
| 2.0 EXISTING CONDITIONS AND ANALYSES | 6 |
| 2.1 GENERAL DESCRIPTION AND APPLICABILITY OF STATUTORY CRITERIA | 6 |
| 2.1.1 THE EAST SIDE OF ROUTE 23 | 6 |
| 2.1.2 THE WEST SIDE OF ROUTE 23 | 9 |
| 2.2 BLOCK 70 LOT 7.05 - ANALYSIS and DESCRIPTION | 10 |
| 2.3 BLOCK 70 LOT 13 - ANALYSIS AND DESCRIPTION | 12 |
| 2.4 BLOCK 70 LOT 14 - ANALYSIS AND DESCRIPTION | 13 |
| 2.5 BLOCK 70 LOT 15 - ANALYSIS AND DESCRIPTION | 15 |
| 2.6 BLOCK 70 LOT 16 - ANALYSIS AND DESCRIPTION | 16 |
| 2.7 BLOCK 70 LOT 17 - ANALYSIS AND DESCRIPTION | 18 |
| 2.8 BLOCK 74 LOT 15 - ANALYSIS AND DESCRIPTION | 18 |
| 2.9 BLOCK 74 LOT 14 - ANALYSIS AND DESCRIPTION | 20 |
| 2.10 BLOCK 74 LOT 13 - ANALYSIS and DESCRIPTION | 21 |
| 2.11 BLOCK 74 LOT 12 - ANALYSIS AND DESCRIPTION | 21 |
| 2.12 BLOCK 74 LOT 11- ANALYSIS and DESCRIPTION | 22 |
| 2.13 BLOCK 74 LOT 10 - ANALYSIS AND DESCRIPTION | 22 |
| 2.14 BLOCK 74 LOT 9 - ANALYSIS AND DESCRIPTION | 23 |
| 2.15 BLOCK 74 LOT 8 - ANALYSIS AND DESCRIPTION | 24 |
| 2.16 BLOCK 74 LOT 7 - ANALYSIS AND DESCRIPTION | 25 |

| | |
|--|-----------|
| 2.17 BLOCK 74 LOT 6 - ANALYSIS AND DESCRIPTION | 25 |
| 2.18 BLOCK 74 LOT 5 - ANALYSIS AND DESCRIPTION | 26 |
| 2.19 BLOCK 74 LOT 4 - ANALYSIS AND DESCRIPTION | 27 |
| 2.20 BLOCK 74 LOT 3 - ANALYSIS AND DESCRIPTION | 27 |
| 3.0 STUDY SUMMARY | 29 |
| 3.1 PLANNING CONSIDERATIONS | 29 |
| 3.2 CONCLUSIONS AND RECOMMENDATIONS | 30 |

APPENDICES

A – STUDY AREA MAPS

B – SCHEDULE “A” OF THE FRANKLIN LAND DEVELOPMENT ORDINANCE

C – PORTION OF THE BOROUGH ZONING MAP

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

Kenneth P. Nelson PP License # 1314

COVER PHOTO – THE AREA DEPICTED IN THE PHOTO ENCOMPASSES A PORTION OF THE SOUTHERN PART OF FRANKLIN BOROUGH. NEAR THE TOP OF THE PHOTO, THE LOWER PORTION OF FRANKLIN POND IS VISIBLE. ROUTE 23 ENTERS THE PHOTO IN THE LOWER LEFT HAND CORNER AND BENDS TO THE RIGHT HEADING IN A NORTHERLY DIRECTION. THE LARGE GREEN AREA IS THE HARDYSTON SCHOOL PROPERTY AND THE “L” SHAPED BUILDING TO THE LEFT OF THE SCHOOL IS THE NJ DIVISION OF FORESTRY SITE

1.0 INTRODUCTION AND PURPOSE OF REPORT

The purpose of this report is to analyze a portion of Franklin Borough in order to determine if that area can be designated as an "Area in Need of Redevelopment" in accordance with the criteria set forth in NJSA 40A:12A-5 (The Local Redevelopment and Housing Law). The specific area in question includes acreage located on both sides of Route 23 in the southern part of the Borough. The area in question is depicted on the aerial photo on the cover of this report, as well as elsewhere in this document. However, please note that the aerial photo on the cover also includes properties not part of the study area.

This study area (Area E) is one of four areas identified in the **Franklin Borough Redevelopment Ad Hoc Committee Report**, dated June 2010, as potentially meeting the criteria to be designated as "An Area in Need of Redevelopment". In that report, under the Recommendations section on page 15, the following information was provided for the study area in question

"Further south on Rt. 23, on the east side of the highway there are several properties that can be considered for redevelopment. A proposed bypass road and the potential for reuse/redevelopment of several key properties make this area a candidate for redevelopment. These properties include residential and highway commercial zoning.

On the west side of Rt. 23, south of Franklin Avenue and across from the Hardyston School, there are a number of properties that appear to meet the criteria for redevelopment. These properties include the 4-Seasons motel and an assortment of buildings and non-conforming residential units that could become the beneficiaries of a comprehensive redevelopment plan for this area. Consider designating these commercially zoned properties for redevelopment. If it is determined there are a concentration of properties that are underutilized or have fallen into disuse, the area can be linked in a comprehensive plan that integrates the functionality of the individual lots".

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

East Side of Rt. 23

| Property | Location | Size | Zone | Owner |
|-----------------|---------------|---------|------|------------------------------|
| 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 |

West Side of Rt. 23

| | | | | |
|--------------|----------|--------|----|------------------------------|
| Bl.74, Lot 3 | 75 Rt 23 | .16 ac | HC | Greaves, George & Susan |
| Bl.74, Lot 4 | 69 Rt 23 | .12 ac | HC | Berlinger, Irving & Yetta |
| Bl.74, Lot 5 | 67 Rt 23 | .18 ac | HC | Yang, Hae Soon |
| Bl.74, Lot 6 | 63 Rt 23 | .33 ac | HC | Weiss, Frederick H & Diane L |

| Property | Location | Size | Zone | Owner |
|---------------|--------------------|----------|------|-----------------------------|
| Bl.74, Lot 7 | 59 Rt 23 | .50 ac | HC | Purani, Bipin R & Sumitra B |
| Bl.74, Lot 8 | 53-55 Rt 23 | .74 ac | HC | Purani, Bipin R ET AL |
| Bl.74, Lot 9 | 51 Rt 23 | 1.90 ac | HC | Plaza 51, LLC |
| Bl.74, Lot 10 | 49 Rt 23 | .19 ac | HC | Bischoff, Joseph & Jennifer |
| Bl.74, Lot 11 | 47 Rt 23 | .20 ac | HC | Buonocore, Gregory & Doris |
| Bl.74, Lot 12 | 45 Rt 23 | .20 ac | HC | Gonzales, Rocio |
| Bl.74, Lot 13 | 43 Rt 23 | .19 ac | HC | Keenan, ET & E |
| Bl.74, Lot 14 | 41 Rt 23 | .17 ac | HC | Youngling, B |
| Bl.74, Lot 15 | 12 Munsonhurst Rd. | 10.19 ac | R-1 | State of New Jersey DOD |

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. The Tax Assessor's office should be consulted for the current designations.

A fifth study area was also identified in the Ad Hoc Committee report 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". The Borough is also aware that recent case law makes it clear that such designations must be fully supportable by the documentation that is compiled in connection with such an effort. This report and related supplementary material provide that documentation.

Specifically, in compiling this report, a variety of tasks were undertaken. First each property in the study area was visited and photographed in order to document the appearance and condition of any structures existing on the property. The next step was to review the Borough Tax Assessor's property record cards for each lot and make note of

relevant information. A return site visit to each property was undertaken to more closely inspect the physical conditions. Unless otherwise noted, only exterior conditions were evaluated.

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

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

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

f. Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.

g. In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act," P.L. 1983, c. 303 (C. 52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L. 1992, c. 79 (C. 40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L. 1991, c. 431 (C. 40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L. 1991, c. 441 (C. 40A:21-1 et seq.). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L. 1992, c. 79 (C. 40A:12A-1 et al.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.

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

An authoritative source on the redevelopment process in New Jersey is a document entitled The Redevelopment Handbook authored by Slachetka and Roberts, 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 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 E will determine if all or some of the properties in question can qualify as part of an area that may be designated, by the Borough Council, as “An Area in Need of Redevelopment.” Prior to the Council decision of whether or not to so designate this area, a public hearing by the Planning Board is required to obtain input from affected property owners, as well as the general public. The input from that hearing process should be included as an addendum to this report or documented in a separate report.

Designating any property as part of An Area In Need of Redevelopment is a serious matter and Franklin Borough recognizes that such a designation cannot and should not be enacted unless it is fully defensible and supported by the community. In this specific instance the facts will demonstrate that the redevelopment of this portion of the Route 23 Corridor is essential to the long term well being of the community. This is true specifically for the nineteen 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 E, may potentially be affected positively in connection with the implementation of a redevelopment plan for Area E and may, themselves, be revitalized via private sector activity because of the steps being taken in connection with the future of Area E.

2.0 EXISTING CONDITIONS AND ANALYSES

2.1 GENERAL DESCRIPTION AND APPLICABILITY OF STATUTORY CRITERIA

This study area, as already noted, encompasses a portion of the Route 23 Corridor in the southern part of the Borough. It is approximately 100 acres in total area divided among nineteen separate lots. The overall area is depicted on Exhibit 1 included in Appendix A. In addition, Exhibits 2 and 3, in Appendix A, are aerial photos, which delineate each of the properties on the east side of Route 23 (Exhibit 2) and the west side of Route 23 (Exhibit 3) in more detail. Exhibit 1 also includes flood zone information for this area, as well as a conceptual alignment for a proposed collector road, which is an important component related to the purpose of this study. 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 divided into two components by Route 23. However, these two components are unequal in size. The bulk of the acreage in the study area – 85 acres – is located on the east side of Route 23. The portion of the study area on the west side of Route 23 encompasses approximately 15 acres and most of that acreage (10.19 acres) is limited to one lot (Bl.74 Lot 15), which is the former armory building, still owned by the State of New Jersey, now known as the Littell Center and used for various non profit, governmental and community related activities.

The fact that Route 23 divides the study area into two components suggests that they are actually two separate areas and can or should be considered separately. Obviously, there is some logic to that argument. However, this area is one of the "Gateways" to Franklin and, as such, the redevelopment of this area, via a comprehensive plan, should include both sides of Route 23, unless extenuating circumstances dictate otherwise.

2.1.1 THE EAST SIDE OF ROUTE 23

Focusing on the east side of Route 23, as a starting point, of the six properties in this area four are privately owned and two are publicly owned. The two publicly owned properties are the NJ Division of Parks and Forestry site (Block 70 Lot 15) which currently accommodates a vacant structure that had been used by the NJ Division of Parks and Forestry as an office and a maintenance facility. The other publicly owned site, the Hardyston School property (Block 70 Lot 13) currently accommodates an elementary school that services the residents of adjoining Hardyston Township. The complete history of why one municipality has one of its schools in another municipality is not fully known but it is unusual to say the least. Complicating the situation is the fact that not only is one public entity (in this case the Hardyston Board of Education) occupying land that pays no taxes to the host municipality but it is land that is becoming increasingly valuable for use by the private sector, either for commercial purposes, housing or a mixed use complex. These two public properties account for 26 acres or slightly more than one fourth of the

total study area and approximately 30% of the portion of the study area on the east side of Route 23.

It should also be mentioned here that the school site and the former Division of Parks and Forestry site, plus other properties in the area are separated from each other by a stream known as Black Brook (aka Bear Brook) that begins on Hamburg Mountain and flows down the mountainside parallel to Route 23. This stream is stocked with trout by the State of New Jersey and it eventually flows into the Wallkill River. There are also the remnants of two old bridge abutments adjoining the north and south sides of the stream, between the school site and the Division of Parks and Forestry site, which would seem to indicate there was a stream crossing at this location in the past – see photos below



BLACK BROOK



BRIDGE ABUTMENTS

The remaining four privately owned parcels on the east side of Route 23 are used either for residential purposes or are undeveloped or are largely undeveloped with a small residential component. The one exception to this description is Bl. 70 Lot 7.05, which although largely undeveloped, also has a small commercial use located on it. More will be discussed about each property in subsequent sections of this document. However, in the case of one of those properties – again Bl 70 Lot 7.05 – some initial comments are appropriate now.

Block 70 Lot 7.05, also known as the Group 5 site, is the largest of the twenty properties located in the study area, consisting of 44 acres or approximately 50% of the area on the east side of Route 23. Given its size, it is a very important part of the study area. It is located at the north end of the study area and a large portion of this property is currently being used for agricultural purposes. The site has for a long time been considered as a prime piece of commercial property, although one of its deficiencies has been its lack of sufficient road frontage and various physical constraints associated with the property, such as wetland areas and topographic conditions that will require substantial cutting and filling in order to make it suitable for large scale commercial development. The fact that this property is not already developed commercially strongly suggests that the impediments associated with it have prevented it from developing in accordance with the planning policies of the Borough.

Another factor related to the importance of this property, which will be discussed in more detail later in this report, is its relationship to the alignment of a proposed collector road

that is intended to parallel Route 23, from the Route 23 / 517 intersection, near the Franklin / Hardyston boundary, north to the vicinity of the Shop Rite shopping center – see Exhibit 1. Actually, portions of that collector road already exist but one of the key segments will traverse Bl 70 lot 7.05 and without that segment the collector road can never achieve its full potential of relieving some of the traffic congestion on Route 23.

So, the inclusion of Bl 70 Lot 7.05 in the study area, based on the collector road issue alone, has some logic associated with it. However, there has been much discussion about whether or not it should be included because the site during 2010 / 2011 was the subject of a site plan application and approval for a 190,000 sq ft Wal-Mart facility. Given that fact, it is difficult to say that the private sector isn't capable of moving ahead on its own with the development / redevelopment of this property, without some public intervention – specifically in the form of it being included as part of a designated redevelopment area. However, there are extenuating circumstances related to the aforementioned approval and the business relationship between the property owner and Wal-Mart that could interfere with the timely and successful implementation of the approved site plan. More will be discussed about this point later but suffice it to say now that the inclusion of Bl 70 Lot 7.05 in the study area has been thoroughly considered and discussed and it continues to remain an important part of the study area at this time

Of the six properties on the east side of Route 23, three are in the HC Zone and three are zoned R-1. The R-1 Zone is a large lot (min. lot size – 3 acres) single family residential district, which for the most part can be found in the western half of the Borough and in a few other areas (ie: Hamburg Mountain), where the environmental constraints are severe. Although the three R-1 zoned properties in this area do have some environmental constraints associated with them, they may not be so severe as to substantially affect the development potential of these properties. This is especially true of the Hardyston School property, which is already developed to a large extent.

As already noted, the other three properties on the east side of Route 23 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%

In terms of the zoning pattern in the area near this portion of the study area on the east side of Route 23, there are nine other zones that are either part of this portion of the study area or are in close proximity to it. They are: The Industrial Zone, the Hospital Multi Family Zone, the Open Space/Government Use Zone, the Golf Course Zone, the R-3

Zone, the R-1 Zone, the Mobile Home Park Zone, the Mixed Active Adult Housing Zone and the Neighborhood Commercial Zone. These zones have encouraged a mixture of land uses in the immediate vicinity of this portion of the study area and will allow for additional commercial and residential development that will add to that mix. For references purposes Appendix B contains Schedule A of the Zoning Ordinance and Appendix C contains a portion of the Borough Zoning Map, which depicts the zoning pattern in this part of the community.

2.1.2 THE WEST SIDE OF ROUTE 23

The west side of Route 23, as already noted, is a much smaller area than the portion of the proposed redevelopment area on the east side of Route 23. Starting at the southern end of this area, with the largest of the thirteen properties on this side of Route 23, the Littell Center site (Bl. 74 lot 15) consists of two separate buildings and adjoining parking facilities. Although, for the purposes of this study this lot is considered to be part of the Route 23 corridor, it actually does not have a Route 23 address. It is identified as 12 Munsonhurst Road. Furthermore, even though it does have frontage on Route 23, it does not have access from that roadway, although at one time it may have had such access. Apparently, a number of years ago, when various improvements were made to Route 23, access to this site was redesigned and access is now limited to Munsonhurst Rd only. It is difficult to say if direct access from Route 23 can ever be restored but that possibility should be investigated.

The remaining properties, which comprise this part of the proposed redevelopment area on the west side of Route 23, are located in a relatively narrow band adjacent to that roadway and they are physically separated from the Littell Center site by Black Brook. This band has an approximate average depth of 100' to 125' but at several locations widens to 300' or more and at other locations narrows to considerably less than 100'. So, in short, this portion of the study area can be described as a very small and oddly configured geographic area – see Exhibits 1 and 3 for a better understanding of the shape of this area.

In further clarifying the general description of this area, in terms of its length, it extends from a point where the small stream known as Black Brook crosses under Route 23 to a location 1,200' (just under one quarter of a mile) to the north..... or approximately 400' short of the intersection of Route 23 and Franklin Ave (Route 631).

With respect to how these twelve properties in this narrow band are used, the first five - in a south to north direction - are single family residences. The next seven properties are primarily commercial in nature but there are some residential components included, as well. And it should also be noted, that some environmental constraints exist in this area – primarily wetlands and the stream corridor associated with Bear Brook .

Finally, in terms of the zoning of this area, the Littell Center site is zoned R-1 and the remaining twelve properties are in the HC Zone. See 2.1.1 for a discussion of the HC regulations. As also described in 2.1.1, the zoning pattern in this area is a mixed one. Of the nine zones mentioned in 2.1.1 that are in close proximity to the portion of the study area on the east side of Route 23, only the Golf Course Zone is a substantial distance

(over 3,000') from the portion of the study area on the west side. All of the others are at least within 1500' of at least one of the properties in this portion of the study area.

PROPERTIES ON THE EAST SIDE OF ROUTE 23

2.2 BLOCK 70 LOT 7.05 - ANALYSIS and DESCRIPTION

This property is at the far north end of Area E and consists of approximately 44 acres. It is basically rectangular in shape but it has associated with it an appendage of about 400' in width and 300' deep that provides frontage along the east side of Route 23. However, the bulk of the acreage of this lot begins 300' or more to the east of Route 23 and extends as far back as 1300' from that roadway – see Exhibits 1 and 2 for a better understanding of the configuration of this property.

The bulk of the acreage has been used historically for agricultural purposes and qualifies for farmland assessment. However, a small portion of the property – less than three quarters of an acre – is utilized for commercial purposes and accommodates a small building of approximately 3,000 sq ft, which contains several retail establishments – see photos below – and which has an address of 116-120 Route 23.



FRONT VIEW OF 116-120 ROUTE 23



REAR VIEW OF PROPERTY

As can be seen from the photos, this commercial structure is an older, somewhat obsolete building that falls short of what most commercial tenants currently require and it is reaching the end of its useful life. It is located in close proximity to Route 23 and the parking area is not well defined nor does it meet the current site design standards of the Borough. The tenants are what can be described as marginal type businesses and there have been periodic vacancies in this building. In recent years, the property owner has been advised of municipal concerns regarding the appearance and condition of the building and that of a companion building on the site. The companion building, which was approximately the same size, was demolished recently because of its poor condition. The Borough Tax Assessor has placed a value on the land of \$ 375,000 and \$164,600 for the structure, for a total of \$ 539,600 for this portion of Block 70 Lot 7.05. Given the fact that the land is valued at more than double the structure, this is an indication that this portion of the site is significantly underutilized.

As was previously mentioned in section 2.1.1, this acreage was the subject, in recent years (most recently in 2011), of an application before the Franklin Planning Board, for a major retail complex consisting of a structure, with approximately 190,000 sq ft of floor area, and adjoining parking facilities, with over 900 spaces. That approval has not yet been fully perfected and construction has not yet begun. Furthermore, there are some extenuating and unique circumstances associated with the contract between the property owner and Wal-Mart that may prevent this project from moving forward as approved, which will be discussed next. Currently, this portion of the site qualifies for Farmland Assessment and pays a very small amount of money in real estate taxes, given the true value of the property. Specifically, the Borough Tax Assessor has placed a total value of \$ 9,980,000 on the 43 ± acres associated with this portion of the site.

As already noted, there are some unique contractual and financial arrangements associated with the development of Block 70 Lot 7.05 that require some explanation. However, it is also important, for purposes of clarity, to first discuss a related matter that involves adjoining Block 70 Lot 7.01, also known as the Weiss Market property. This lot is not part of the area that is the subject of this report. However, it is very much connected to Lot 7.05 with respect to the future development of the Wal-Mart project. Specifically, the “collector road” discussed in section 2.1.1 and elsewhere in this report will traverse Lot 7.01, thereby providing access to the Wal-Mart site, as well as helping to alleviate traffic congestion on Route 23. So, although Lot 7.01 is not officially part of this designation study, it is part of it by reference. And if the development of Lot 7.05 fails to proceed, the portion of the aforementioned access road (750' ±) located on Lot 7.01, will not proceed either.

Returning again to the issue of the unique contractual arrangements involving Lot 7.05, a general summary, rather than an in depth analysis follows, which is necessary in order to protect the proprietary interests of the parties involved. However, the general summary is sufficient for the purposes of this report and the analysis of how this property meets or doesn't meet the criteria identified of NJSA 40A: 12A-5.

The owners of Lot 7.05 entered into a contractual arrangement with Wal-Mart several years ago to develop the property with one of Wal-Mart's standard “Big Box” stores. Wal-Mart already has a smaller 100,000 sq ft store in Franklin, approximately a half mile to the north of this site. Part of the financial transaction involving the development of Lot 7.05 will be what is known as a “1035 Exchange”. In effect, once the transaction has been completed, Wal-Mart will get Lot 7.05 and the current owners of Lot 7.05 will get the building and property that currently accommodates the existing Wal-Mart store. The existing Wal-Mart building will then be adapted, by the new owners, for use by one or more new tenants. Related to this 1035 Exchange are some financially complicated matters that have been exacerbated by the real estate downturn of recent years and which cannot be discussed here without violating the proprietary interests of those involved. Suffice it to say, however, those complicating matters could derail the agreement between Wal-Mart and the owners of Lot 7.05 or at the very least generate litigation that may take years to resolve

In addition to the aforementioned financial issue, there is also a potential problem associated with the completion of the proposed site improvements that will be located on Lot 7.05 and 7.01, particularly and most importantly, the proposed collector road, 1400' of which will traverse Lot 7.05. Again, without going into the details of contractual obligations, the current owners of Lot 7.05 bear a significant potential responsibility with respect to the completion of the collector road and other site improvements. Consequently, if those obligations are not met, the entire project may not proceed and / or be delayed by years of litigation. In short, by including this site in the proposed redevelopment area, it could help forestall the potential financial issues that could delay or derail this project by qualifying this site for certain financial benefits and advantages, which will not be possible, if it is not included .

In summary, Lot 7.05 qualifies as part of the proposed redevelopment area in several ways. First the small developed portion of the site qualifies under criterion "d" because the current site and building design, including the placement of the buildings on the property and various other site and building design deficiencies and impediments already discussed. The balance of Lot 7.05 qualifies under criterion "c" because the site has been vacant for more than 10 years and because the constraints associated with it make it unlikely that they will be redeveloped with private capital. Finally, even if this site does not qualify individually, it should be included because of its importance with respect to the implementation of the previously discussed collector road.

2.3 BLOCK 70 LOT 13 - ANALYSIS AND DESCRIPTION

This site is immediately to the south of Block 70 lot 7.05. It is a 22 acre parcel, which currently accommodates an elementary school that is owned and operated by the Hardyston Board of Education. As noted in section 2.1.1, it is not entirely clear why Hardyston Township chose to locate one of its schools in another municipality but suffice it to say that it is a strange arrangement, especially since Hardyston is a very large municipality geographically and there are many other locations within that municipality where a school might have been located instead of in the Franklin portion of the Route 23 corridor. However, at the time the school was built (circa 1950's), the Route 23 corridor was much less of a regional shopping destination than it is now. Furthermore, to get from some parts of Hardyston to other parts of that Township, it is necessary to traverse Franklin. So, at the time the school was built it was probably a convenient thing to do and at the time did not affect Franklin in any particularly negative way.

The property is located in the R-1 Zone, a large lot (3acre minimum lot size) single family residential zoning district. The R-1 also allows schools as a conditional use and it appears that the Hardyston School complies with all of the applicable conditions delineated in the zoning ordinance. The school itself, built in the late 1950's, consists of several interconnected structures, with a landscaped courtyard in the middle. It contains approximately 59,000 sq ft. of floor area and it is located approximately 650' from Route 23, toward the rear of the site.

Parking and driveway facilities are located adjacent to the front, side and rear of the school building. The area between the school and Route 23 - approximately 10.5 acres – is used for recreation purposes and includes the driveways which provide access to the school. Behind the school is a largely undeveloped area of approximately four acres that is traversed by a powerline line easement and accompanying powerline facilities. The photo below provides a view of the school in relationship to a portion of the site



VIEW OF FRONT OF HARDYSTON ELEMENTARY SCHOOL

The Franklin Borough Tax Assessor has placed a total value on this property of \$8,494,100, with the land being worth \$ 1,143,800 and the building worth \$ 7,350,300. However, this property generates no real estate taxes because of its tax exempt status. This property is also important, as is Lot 7.05, with respect to the completion of the proposed collector road. Approximately 800' of that proposed road traverses this site.

In summary, this site meets the provisions of criterion “e” in a way not normally anticipated by the statute. Specifically, criterion e speaks to a “growing lack or total lack of proper utilization of areas.....” which in this case is the continued utilization of prime commercial acreage, in one municipality, for a public purpose – tax exempt - use by another municipality. This is not to say that the use isn’t an important one. It is important.....but to Hardyston, not to Franklin. What is important to Franklin is to maximize the development potential of the Route 23 corridor. This use stands in the way of that happening. However, Franklin realizes that relocating a school is not an easily accomplished goal and further recognizes that such relocation will not happen if the costs are prohibitive. Consequently, the Borough believes this can be a “win / win” situation for both municipalities, with Hardyston eventually replacing and relocating a school facility that is increasingly becoming obsolete, by utilizing the proceeds from the sale of the land to do so. Franklin, in return, will then be able to implement the planning policies it has adopted for the Route 23 corridor. Finally, the importance of the proposed collector road also necessitates the inclusion of this property in the redevelopment area.

2.4 BLOCK 70 LOT 14 - ANALYSIS AND DESCRIPTION

This property, also identified as # 36 Route 23, is a privately owned residential lot and currently accommodates a two and a half single family, masonry residence, with

approximately 3,000 sq ft of floor area, along with accessory buildings. The property is irregularly shaped and is just under one acre in total area (0.987). Because of its odd shape, it has only about 80' of frontage on Route 23. Furthermore, it is located on a portion of Route 23, where the roadway curves and the resulting sight distance associated with this property, with respect to vehicles exiting the site, is problematic. The property is located in the HC Zone but apparently has not been used for commercial purposes, either in the recent past or ever. Since it is in the HC Zone it is considered a non conforming use. It is only one of two residential properties, located on the east side of Route 23, within a distance of over a mile and a half extending north from the Hardyston boundary.

The property has not been the subject of any recent zoning or property maintenance violations but a limited visual inspection of the exterior of the structures and property indicated that maintenance activity on the property has apparently been sporadic in recent years and the structures and grounds are in only fair to good condition. See photos below



FRONT OF # 36 ROUTE 23



REAR OF # 36 ROUTE 23

The Borough Tax Assessor has put a value on the property of \$ 309,200, with the land accounting for \$ 61,900 of that amount and the structures accounting for \$ 247,000. The low value of the land is apparently attributable partly to the shape of the lot and the minimal frontage along Route 23 which will create difficulties if this lot is redeveloped for commercial use. The Assessor estimates that the residence was built between 1949 and 1960. According to the Assessor's records the property is serviced by an on site well and septic system rather than by the Borough's water and sewer system. It should also be noted that this site is constrained by the flood zone associated with Black Brook. Consult Exhibit 1 for the extent of the flood prone area affecting this site and others adjacent to Black Brook.

In summary, this lot meets at least criterion "d" because the current site design, including the placement of the buildings on the property and their obsolescence, as well as the environmental conditions associated with the site, its small size and related factors make it improbable that the private sector, on its own, will find it profitable to redevelop and reuse this site in accordance with existing planning policies of the Borough.

2.5 BLOCK 70 LOT 15 - ANALYSIS AND DESCRIPTION

This property is owned by the State of New Jersey and was used for many years by the NJ Division of Parks and Forestry as an office and also in connection with maintenance activities associated with various state parks in the area. It has an address of # 20 Route 23 and consists of 3.9 acres. The configuration of the property is triangular and it has over 700' of frontage along Route 23 – see Exhibits 1 and 2 for a better understanding of the configuration of this property. The site is no longer occupied and used by NJ Parks and Forestry personnel, except for the outdoor storage of equipment on the property, related to maintenance activities associated with Lake Hopatcong – see photos below



FRONT OF PARKS BUILDING FROM ROUTE 23



APPROACHING THE NORTHERN BOUNDARY OF THE SITE FROM ROUTE 23 SOUTHBOUND



LEFT AND ABOVE: EXAMPLES OF SITE DETERIORATION



OUTDOOR STORAGE AT THE DIV. OF PARKS AND FORESTRY SITE

The site, which is located entirely within the HC Zone, currently accommodates an “L” shaped structure that contained the office and shop / storage facilities utilized by the state personnel previously mentioned. It is unknown how many people occupied the site in the past but the structure contains nearly 20,000 sq ft of floor area, so it is capable of accommodating at least 100 workers or more if the entire building were used for office purposes, probably less if a portion of the building were used for storage or some type of processing or manufacturing operation. A visual inspection of the site observed that approximately 13 parking spaces exist in the front of the building and another 30 or more exist on the western side of the site. There is also a large paved area on the east side of the site that could accommodate additional parking but is now used, as previously mentioned, for equipment storage.

The Borough Tax Assessor has placed a value of \$ 2,003,800 on this property, with the land being valued at \$ 975,300 and the structure and other improvements valued at just over \$ 1,000,000. The structure has not been occupied for more than five years and it is unknown what the condition of the inside of the building is now. However, some noticeable deterioration is beginning to take place on the outside, both in connection with the building exterior and pavement. The building appears to have been constructed in the 1950’s or 60’s based on its design and the materials used in its construction. It doesn’t appear that the building has definitely reached the end of its useful life but if the building is not reoccupied soon and the degree of maintenance increased, deterioration of the structure and support facilities could accelerate to a point where it will not be feasible to salvage the building or existing site improvements without a significant renovation effort.

In summary, this lot meets at least criteria “b and d” partly because of the discontinuance of the use of the building for an extended period of time and partly because of the current site design, including the placement of the building on the property, and its obsolescence, as well as the environmental conditions (ie:flood zone issues) associated with the site. Clearly, as New Jersey owned property, Franklin cannot dictate to the state how the property can be used. However, when a higher level of government neglects property that it owns and negatively affects the planning and land use policies of a lower level of government, then the policies of the higher level of government should be called into question. If the State of New Jersey has a new and positive use for this property, then it should proceed ahead with that goal. If it doesn’t, the property should be declared surplus and be allowed to be included in the proposed redevelopment area. As part of the “Gateway” to Franklin, this site should be redeveloped in accordance with the planning policies of the Borough.

2.6 BLOCK 70 LOT 16 - ANALYSIS AND DESCRIPTION

This property, which has an address of # 10 Route 23, and which consists of 13.3 acres has an extremely odd configuration, to the point that it actually defies description. The north end of the property, which consists of about 5 acres, is located behind the Hardyston School. That part of the property joins with the main portion of the site (approx. 4acres), which is located to the east of Lot 15 (the Parks Building) and adjacent to Route 23. This part of the site accommodates an isolated, existing single family, one

story, wood frame residence, built in the late 1970's, and several accessory structures – see photo below. The entire site is located in the R-1 Zone

The remainder of the site meanders to the west of the main portion of the property, behind the Parks Building site and eventually connects to Route 23 between Lots 14 and 15. The amount of frontage on Route 23 at this location is minimal – less than 40'. However, the site also has over 500' of frontage on Route 23, in the vicinity of the Route 23 / Route 517 intersection – see Exhibit 1 for a better understanding of the shape of this unusually shaped lot.



10 ROUTE 23

The Borough Tax Assessor has placed a total value of \$ 449,075 on this property, with the land being valued in two parts – the acres associated with the residence is valued at \$ 101,700 and the balance of the acreage, which is assessed as Qualified Farmland, is valued at \$ 211,475. The structure and other improvements are valued at \$ 135,900. The Assessor lists the condition of the residence, which contains 1,200 sq ft of floor area, as fair and also indicates that the acreage associated with this lot includes steep and rolling terrain, as well as rocks and wooded areas. And Black Brook meanders through the site, thereby dividing much of the property from direct access to Route 23. Water and sewer service are provided by on site facilities. In summary, this is a very unusual site. It has a very odd shape and, as is also true for nearby Block 70 Lot 14, it is not a location where one would expect to find a single family residence. Furthermore, the natural features of the site, including the Black Brook flood zone, provide a number of constraints in terms of future development and / or redevelopment.

This property is probably as critical to the construction of the proposed collector road as Lots 7.01, 7.05 and 13 are, if not more so. This lot provides the frontage along Route 23 where the southern terminus of the collector road will be located. Also at this location will be a new intersection where Route 23 / Route 517 and the collector road will meet. Without this lot there is no other realistic way for the collector road to meet Route 23 where it should.

In summary, although this property has a residence on it, the site is for the most part vacant and that acreage certainly meets the provisions of criterion “c” because it has been vacant for more than 10 years and because the constraints associated with it make it unlikely that it will be redeveloped with private capital. In addition, the importance of

the collector road and the importance of this lot to making that project happen cannot be understated.

2.7 BLOCK 70 LOT 17 - ANALYSIS AND DESCRIPTION

This property is currently vacant and has an odd, trapezoidal shape. It is approximately 120' wide, 700' long and 4 acres in total area. Black Brook traverses the site toward the front and impedes access to most of the property. This site has other physical constraints associated with it, related to steep topographic conditions and rock outcroppings. Furthermore, there is no central water or sanitary sewer service readily available in the vicinity of this property – no ground level photo has been provided in this report of the property but Exhibit 2 provides an aerial view of the site.

The Borough Tax Assessor has placed a value on this property of \$ 82,600. It does not qualify for Farmland Assessment, because a 5 acre minimum is required. The property is located entirely within the R-1 Zone. Although the proposed collector road is not intended to traverse this lot at this time, there is still the possibility that a portion of the site may be needed for part of the alignment or in connection with a construction staging area.

In summary, this lot meets the provisions of criterion “c” because it has been vacant for more than 10 years and because the constraints associated with it make it unlikely that it will be developed with private capital.

PROPERTIES ON THE WEST SIDE OF ROUTE 23

2.8 BLOCK 74 LOT 15 - ANALYSIS AND DESCRIPTION

This site, as noted in 2.1.2, comprises the bulk of the acreage within this portion of the proposed redevelopment area and consists of 10.446 acres. The property is identified as 12 Munsonhurst Rd and accommodates two structures, plus parking for several dozen vehicles. A substantial portion of the site (over 7 acres) is vacant and the two buildings and parking are located on the remaining 3.5 ± acres – see the following photos. Exhibits 1 and 3 should also be consulted for a better understanding of the shape of this property and how the structures are located on it.



MAIN BUILDING



GARAGE

The main building on the property, which contains approximately 15,000 sq ft of floor area, is a masonry structure and it once served as an armory and military training center for the State of New Jersey. It is still owned by the state and is used for both local and state governmental purposes. Specifically, it serves Franklin and Hardyston as a community center and also provides work force training services. The age of this structure is unknown but it appears to be of pre WWII vintage. The same is true of the other masonry building on the site, which contains 7,540 sq ft of floor area and is identified on the Borough Tax Assessor's records as a garage. The buildings appear to be in generally good condition, although structures this old, utilized for public purposes, tend to become maintenance problems. It is unknown if or when either of these buildings has undergone any significant renovation work. An interior inspection of the buildings was not conducted as part of this study. The Borough Tax Assessor's records also indicate that the total value of this property is \$ 2,434,500, with the land being valued at \$ 592,300 and structures \$ 1,842,200. The property, of course, is tax exempt and pays no local real estate taxes. Part of this property, because it is bisected by Black Brook and is bordered by another tributary of the Wallkill River to the rear, is in the flood zone.

As already noted earlier in this section and elsewhere in this report, this site apparently once had direct access to Route 23 but now only has access from the end of Munsonhurst Rd. So, in order to access Route 23, even though this lot has 200' of frontage on that roadway and the main building itself is less than 150' from Route 23, a vehicle exiting from the site must travel down Munsonhurst Rd about 900' to Route 517 and then another 400' to Route 23. And then if the vehicle is traveling northbound, it must travel another 800' to reach the point where this property fronts on Route 23. So, what was once a short distance to Route 23, has now become, in this example, a trip of nearly a half mile. Of course this inconvenience has been prompted by traffic safety issues. Nevertheless, this property is now less accessible and more isolated than it once was.

In summary, this lot meets at least criteria "b and d" but for slightly different reasons than the Parks and Forestry site does. The use of this site hasn't been discontinued to the extent that the Parks and Forestry site has but it is not being used to the fullest extent that it could be. And the existing buildings are bordering on obsolescence; the garage more so than the main building. So, for the same reasons noted in section 2.5, if the State of New Jersey has a new and more positive use for this property, then it should proceed toward that goal. If it doesn't, the property should be declared surplus and be allowed to be included in the proposed redevelopment area.

2.9 BLOCK 74 LOT 14 - ANALYSIS AND DESCRIPTION

The first five lots in the group of properties that have direct access to the west side of Route 23, as one travels in a south to north direction, are residential lots, which are all similar in size, shape and character. The properties in question are lots 14,13,12,11 and 10 in Block 74. They are depicted in the group photo below:



LEFT TO RIGHT: LOTS 14, 13, 12, 11 and 10

Because of the similarities among these properties, many of the comments about each will be somewhat repetitive but there are also a few differences, as well, that will be noted during the next few pages. For example, the differences in assessed values appear to be attributable to some structures being slightly larger in total floor area, having accessory buildings, larger decks or being on slightly larger lots. In terms of some of the broad, common elements associated with each lot, all five are in the HC Zone and all are used for single family residential purposes. None of the lots are in compliance with the dimensional requirements of the HC Zone, in fact all of them are substantially deficient with respect to those standards. All five structures are positioned very close to Route 23 (in some instances just a few feet from the ROW line) and obviously each lot has direct access to that roadway, something that would be very difficult to get approval for today from NJDOT, based on current design standards. To a certain extent these five lots are remnants of a distant past, when Route 23 was not the high speed, arterial, heavily traveled roadway that it is today, with thousands of vehicles passing by on a daily basis.

Lot 14, the first lot of this group, also known as # 41 Route 23, is .167 acres in total area or approximately 7,274 sq ft and measures approximately 63' by 110'. It has a somewhat rectangular but slightly irregular shape. The lot accommodates a two story, single family, wood frame structure, with approximately 1,370 sq ft of habitable floor area, which appears to be in generally good to average condition. The structure is approximately 100 years old – see photo to left. The Borough Tax



Assessor's records indicate that the total value of the property is \$189,200, with the land being valued at \$ 50,700 and structure \$ 138,500. This property is serviced by the

Borough's sanitary sewer system but water is supplied by an on site well. This property has a portion of Black Brook within its boundaries and it is in the flood zone.

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 existing Wallkill tributary to the rear, 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. In addition, the continued use of this property for residential purposes is contrary to the health, safety and welfare of the community.

2.10 BLOCK 74 LOT 13 - ANALYSIS AND DESCRIPTION

Lot 13, the second lot of this group, also known as 43 Route 23, is .20 acres in total area or approximately 8,712 sq ft and measures approximately 69' by 120'. It has a generally rectangular but slightly irregular shape. The lot accommodates a two story, single family, wood frame structure, with approximately 1,600 sq ft of floor area and which appears to be in generally good to average condition. The structure is approximately 100 years old –



see photo to left.

The Borough Tax Assessor records indicate that the total value of the property is \$172,100, with the land being valued at \$ 52,000 and the structure \$ 120,100. This property is not serviced by the Borough's sanitary sewer or water systems. Both services are apparently supplied by on site systems. This property is set slightly further back from Black Brook Lot 14 and does not appear to be in the flood zone.

In summary, this lot meets at least criterion "d" because the current site design, including the placement of the building on the property, and the existing Wallkill tributary to the rear, 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. In addition, the continued use of this property for residential purposes is contrary to the health, safety and welfare of the community.

2.11 BLOCK 74 LOT 12 ANALYSIS and DESCRIPTION



Lot 12, the third lot of this group, also known as 45 Route 23, is .20 acres in total area or approximately 8,712 sq ft and measures approximately 66' by 127'. It has a generally rectangular but slightly irregular shape. The lot accommodates a two story, single family, wood frame structure, with approximately 2,001 sq ft of floor area, which appears to be in generally good to average condition. The structure is approximately 100 years old - see photo to left

The Borough Tax Assessor records indicate that the total value of the property is \$ 218,000, with the land being valued at \$ 52,000 and structure \$ 166,000. This property is not serviced by the Borough's sanitary sewer or water systems. Both services are apparently supplied by on site systems. This property is set slightly further back from Black Brook than Lot 14 and does not appear to be in the flood zone.

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 existing Wallkill tributary to the rear, 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. In addition, the continued use of this property for residential purposes is contrary to the health, safety and welfare of the community.

2.12 BLOCK 74 LOT 11 - ANALYSIS AND DESCRIPTION

Lot 11, the fourth lot of this group, also known as 47 Route 23, is .204 acres in total area or approximately 8,886 sq ft and measures approximately 63' by 140'. It has a somewhat rectangular but slightly irregular shape. The lot accommodates a two story, single family, wood frame structure, with approximately 1,826 sq ft of floor area, which appears to be in generally average to fair condition. The structure is approximately 100 years old – see



photo to left

The Borough Tax Assessor records indicate that the total value of the property is \$174,100, with the land being valued at \$ 52,200 and structure \$ 121,900. This property is not serviced by the Borough's sanitary sewer or water systems. This property is set further back from Black Brook than Lot 14 and does not appear to be in the flood zone.

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 existing Wallkill tributary to the rear, 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. In addition, the continued use of this property for residential purposes is contrary to the health, safety and welfare of the community.

2.13 BLOCK 74 LOT 10 - ANALYSIS AND DESCRIPTION

Lot 10, the last of this group of residential lots, also known as 49 Route 23, is .196 acres in total area or approximately 8,537 sq ft and measures approximately 60' by 147'. It has a somewhat rectangular but slightly irregular shape. The lot accommodates a two story, single family, wood frame structure, with approximately 1,756 sq ft of floor area, which appears to be in generally average to fair condition. The structure is approximately 100 years old – see photo below.



The Borough Tax Assessor's records indicate that the total value of the property is \$164,900, with the land being valued at \$ 51,800 and structure \$ 113,100. This property is not serviced by the Borough's sanitary sewer or water systems. Both services are apparently supplied by on site systems. This property is set slightly further back from Black Brook than Lot 14 and does not appear to be in the flood zone.

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 existing Wallkill tributary to the rear, 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. In addition, the continued use of this property for residential purposes is contrary to the health, safety and welfare of the community.

2.14 BLOCK 74 LOT 9 - ANALYSIS AND DESCRIPTION

This property, known as # 51 Route 23, begins a group of somewhat obsolete commercial and mixed use properties that extend for a distance of approximately 800' on the east side of Route 23. This site consists of 2.007 acres and accommodates a two story, masonry structure, originally built circa 1905, and a newer one story, masonry structure built in 1989. The newer structure contains space for four commercial tenants and the older structure contains four residential apartments. Both structures are in generally good condition and less obsolete than the other properties in this group – see photo below. Nevertheless, this property, as is true of all of the others, is constrained by various site layout and other problems, which increasingly makes its future as a viable commercial enterprise problematic.



51 ROUTE 23

The property is very oddly shaped and it is traversed by Black Brook. At least 1.25 acres of the total land area is vacant and that portion of the lot is located to the west of Black Brook. The site has about 200' of frontage on Route 23 and there is a small parking lot of 20 ± spaces that is available to the clientele of the four commercial tenants. 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 occur periodically and more often 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.

This property is located in the HC Zone but is not in full compliance with the requirements of that zone, both in terms of the dimensional requirements and the uses permitted. Specifically, the residential units are not permitted in the HC zone and are therefore non conforming uses. 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 \$ 909,400, with the land being valued at \$ 451,600 and structures \$ 457,800. This property, because it is bisected by Black Brook, is in the flood zone.

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 such as the existing Wallkill tributary to the rear, 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.

2.15 BLOCK 74 LOT 8 - ANALYSIS AND DESCRIPTION

This property, known as # 53-55- Route 23, accommodates a two and a half story wood frame, two family residential structure that is currently vacant. This site consists of .726 acres and the structure was built in the early part of the twentieth century – see photo on next page. This property, as is true of many of the others, along this side of Route 23, is impacted by the fact that it is no longer a desirable residential location and yet various constraints makes its future as a viable, stand alone, commercial site increasingly problematic.



The property is somewhat oddly shaped and it is traversed by Black Brook toward the rear. The site has about 150' of frontage on Route 23 and the structure is positioned toward the front of the site. This property is located in the HC Zone but is not in compliance with the requirements of that zone, in terms of the dimensional standards. The Tax Assessor's records indicate that the total value of this property is \$ 259,300, with the land

being valued at \$ 63,500 and the structure \$ 195,800. The structure consists of 2,496 sq ft of floor area and is in poor to fair condition. A small portion of this property, because it is traversed by Black Brook toward the rear, may be partially in the flood zone.

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 existing Wallkill tributary to the rear, 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.

2.16 BLOCK 74 LOT 7 - ANALYSIS AND DESCRIPTION

This property, known as # 59 Route 23, is the site of a former motel operation but that operation has ceased and most of the structures on the property have been demolished or are in a complete state of disrepair – see photo below. This site consists of .665 acres and the lot, which is trapezoidal in shape, is traversed toward the rear by Black Brook. This property, as is true of many of the others along this side of Route 23 are constrained by its limited size and other problems, which increasingly makes its future as a stand alone viable commercial site problematic.



This property is located in the HC Zone but it is not in compliance with the requirements of that zone, in terms of the dimensional standards. The Borough Tax Assessor's records indicate that the total value of this property was \$ 426,900, prior to the demolition of the structures. The land has been valued at \$ 241,500 and that now represents the full value of this site. A small portion of this property, because it is traversed by Black Brook

toward the rear, may be partially in the flood zone but this requires further verification.

In summary, this lot meets at least criterion “d” because the site design, including the placement of the buildings and building ruins on the property, plus other constraints such as the existing Wallkill tributary to the rear, 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. In addition, because this property has fallen into serious state of disrepair, the argument can be made that criterion “b” also applies.

2.17 BLOCK 74 LOT 6 - ANALYSIS AND DESCRIPTION

This property, known as # 63 Route 23, accommodates a two story, masonry structure, built during the early part of the 20th century – see photo below – which is in poor to fair condition. This structure contains 1,644 sq ft of floor area. There is also a detached garage on the property, which is in fair condition. The site consists of .377 acres and has a trapezoidal shape. This property, as is true of many of the others along this side of Route 23, is no longer a desirable residential location but is also constrained by various problems, such as its size and shape, which increasingly makes its future as a viable commercial site problematic.



This property is located in the HC Zone but is not in full compliance with the requirements of that zone, both in terms of the dimensional standards and the uses permitted. Specifically, the current residential use on the site is not permitted in the HC zone and is therefore non conforming. The Borough Tax Assessor's records indicate that the total value of this property

is \$ 215,000, with the land being valued at \$ 70,700 and structure \$ 144,300. This property is not impacted by Black Brook, which turns toward the west in the vicinity of adjoining lot 7, immediately to the south.

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, 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.

2.18 BLOCK 74 LOT 5 - ANALYSIS AND DESCRIPTION

This property, known as # 67 Route 23, accommodates an obsolete commercial structure, which also includes a small apartment on the second level – see photo on next page. The structure was built in the early part of the 20th century, contains 2,368 sq ft of floor area and is in poor to fair condition. The building is currently being used for retail commercial purposes. This property, as is true of most of the others along this side of Route 23, is constrained by various site layout and other problems, which increasingly makes its future as a stand alone, viable commercial site problematic.



The property is very small consisting of .167 acres, has a trapezoid shape and the structure on the site is located very close to Route 23. A small parking area to the side and rear of the structure is also located on the property. This property is located in the HC Zone but is not in compliance with the requirements of that zone, both in terms of the dimensional requirements and

the uses permitted. Specifically, the residential unit is not permitted in the HC zone and is therefore a non conforming use. Furthermore, this site meets virtually none of the

dimensional standards of The HC Zone. The Borough Tax Assessor's records indicate that the total value of this property is \$ 328,400, with the land being valued at \$ 158,400 and the structure \$ 170,000 – nearly a 50/50 split, which is an indication of the declining value of the structure.

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 site and usage constraints make 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.

2.19 BLOCK 74 LOT 4 - ANALYSIS AND DESCRIPTION

This property, known as # 69 Route 23 accommodates an obsolete commercial structure, which also includes three small apartments on the second level – see photo below. The structure was built in the early part of the 20th century, contains 3,651 sq ft of floor area and is in poor to fair condition. It is currently being used for retail commercial purposes. This site consists of .107 acres making it the smallest property in the study area. This property, as is true of most of the others along this side of Route 23, is constrained by various site layout and other problems, which increasingly makes its future as a stand alone, viable commercial site problematic.



This property is located in the HC Zone but is not in full compliance with the requirements of that zone, both in terms of the dimensional requirements and the uses permitted. Specifically, the residential units are not permitted in the HC zone and are therefore non conforming uses. The Borough Tax Assessor's records indicate that the total value of this property is \$ 388,000, with the

land being valued at \$ 146,400 and the structure \$ 241,600. A significant problem associated with this site, besides its small size, is the fact that part of the parking area in front of the building may actually be within the ROW for Route 23. It also has minimal frontage on Route 23.

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 such as the existing Wallkill tributary to the rear, 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.

2.20 BLOCK 74 LOT 3 - ANALYSIS AND DESCRIPTION

This property, known as # 75 Route 23, accommodates an obsolete commercial structure – see photo below. The one and a half story structure was built in the middle part of the 20th century, contains 1,598 sq ft of floor area and is in fair to good condition. It is currently being used for office commercial purposes. This site consists of .331 acres and it is somewhat rectangular in shape, although the distance between the rear property line and Route 23 diminishes, as one moves toward the north, with the result being that the

depth of the lot at its north end is only 30' compared with 100' at its south end. This lot has over 170' of frontage on Route 23 but as already noted, it varies considerably in terms of depth. This property, as is true of most of the others along this side of Route 23, is constrained by various site layout and other problems, which increasingly makes its future as a stand alone commercial site problematic.



This property is located in the HC Zone but is not in full compliance with the dimensional requirements of that zone. The Borough Tax Assessor's records indicate that the total value of this site is \$ 278,300, with the land valued at \$ 172,000 and the structure \$ 106,200. The fact that the land is valued at more than one and half times the value of the structure is an indication that this site is not being utilized efficiently.

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 such as the existing Wallkill tributary to the rear, 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.

3.0 STUDY SUMMARY

3.1 PLANNING CONSIDERATIONS

This proposed 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 twenty first century future if they remain as is. This 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.

In addition, it should be noted that the 2003 Master Plan and subsequent planning documents of the Borough, address the commercial development in Franklin, by including as a set of goals, the following:

- Encourage commercial and office uses along Route 23
- Strengthen existing commercial districts and corridors by encouraging a mix of uses that provide employment, retail opportunities, services and entertainment
- Encourage the re use of vacant non residential buildings

This study area is one of the segments along Route 23 that, at least partially, hasn't kept pace with the changes and demands associated with the commercial environment of the 21st century. There may be a variety of reasons why this hasn't happened but what is important from the Borough's perspective is that it is something that needs to be addressed and addressed as soon as possible..... and comprehensively. Consequently, this urgency has led the Borough to consider these properties, collectively, as a potential "Area In Need of Redevelopment" in order to facilitate, among other things, the goals and objectives of the 2003 Master Plan.

Furthermore, the proposed collector road envisioned in the Borough's planning documents – portions of which have been slowly implemented via various land use approvals in recent years - is a project that needs to be pushed along at a quicker pace than it has been moving. The strategy to quicken that pace involves including key properties in the proposed redevelopment area, through which the proposed collector road will pass.

So, this "Preliminary Investigation" was authorized in order to determine the feasibility of establishing a redevelopment area and preparing a redevelopment plan that would have as its focus the accomplishment of several goals. They are:

- To implement the redevelopment goals of the Borough Master Plan for the Route 23 corridor

- To complete the collector road that will alleviate traffic congestion on Route 23
- To strengthen the tax base of the community
- To enhance the health, safety and welfare of the community by eliminating unsafe and /or non conforming uses and activities

Finally, this proposed redevelopment area and the next step of a redevelopment plan, as well as any future redevelopment implementation activities are all intended to be part of the Borough's comprehensive planning efforts and are not intended to focus on one part of the community at the expense of any other parts

3.2 CONCLUSIONS AND RECOMMENDATIONS

It is the conclusion of this report that the study area in question (Area E) qualifies as An Area In Need of Redevelopment. The documented conditions that exist at the locations that comprise the study area have clearly shown the applicability of the criteria established by NJSA 40A: 12A-5. So, the recommendation of this "Preliminary Investigation" is for the Borough Planning Board to conduct a public hearing, as required by statute, evaluate the input from the public - and assuming that there is no evidence presented at the hearing that contradicts the contents of this report - to then proceed with a favorable recommendation to the Borough Council, which will lead to the designation of this area as "An Area In Need of Redevelopment"

In closing, it is important to emphasize that, although it would be desirable for the east and west sides of Route 23 to be part of this proposed redevelopment area, it is not essential. If for reasons of timing, cost, legal challenges or other factors, which would necessitate separating east from west, that can be done without invalidating the recommendations and contents of this report. The two sides of Route 23 can proceed independently of each other, as long as the planning for each area is coordinated with the other. In fact, some consideration should be given to possibly connecting the west side of Route 23 with all or part of another proposed redevelopment area, just to the north, known as Area D. There are parts of Area D that have much in common with the portion of Area E on the west side of Route 23,

This concludes the Area E report, which is intended to serve as the basis for the designation of this part of the Borough as An Area In Need of Redevelopment.



APPENDIX A

STUDY AREA MAPS

EXHIBIT 1

AREA E
(PORTION OF
N.J.S.H. RTE. 23
FROM WEIS MARKET
TO C.R. 517)

Legend

-  Parcels
-  Study Area
-  Flood Plain

0 200 400
Feet

March 08, 2012

Prepared By:

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



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

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

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

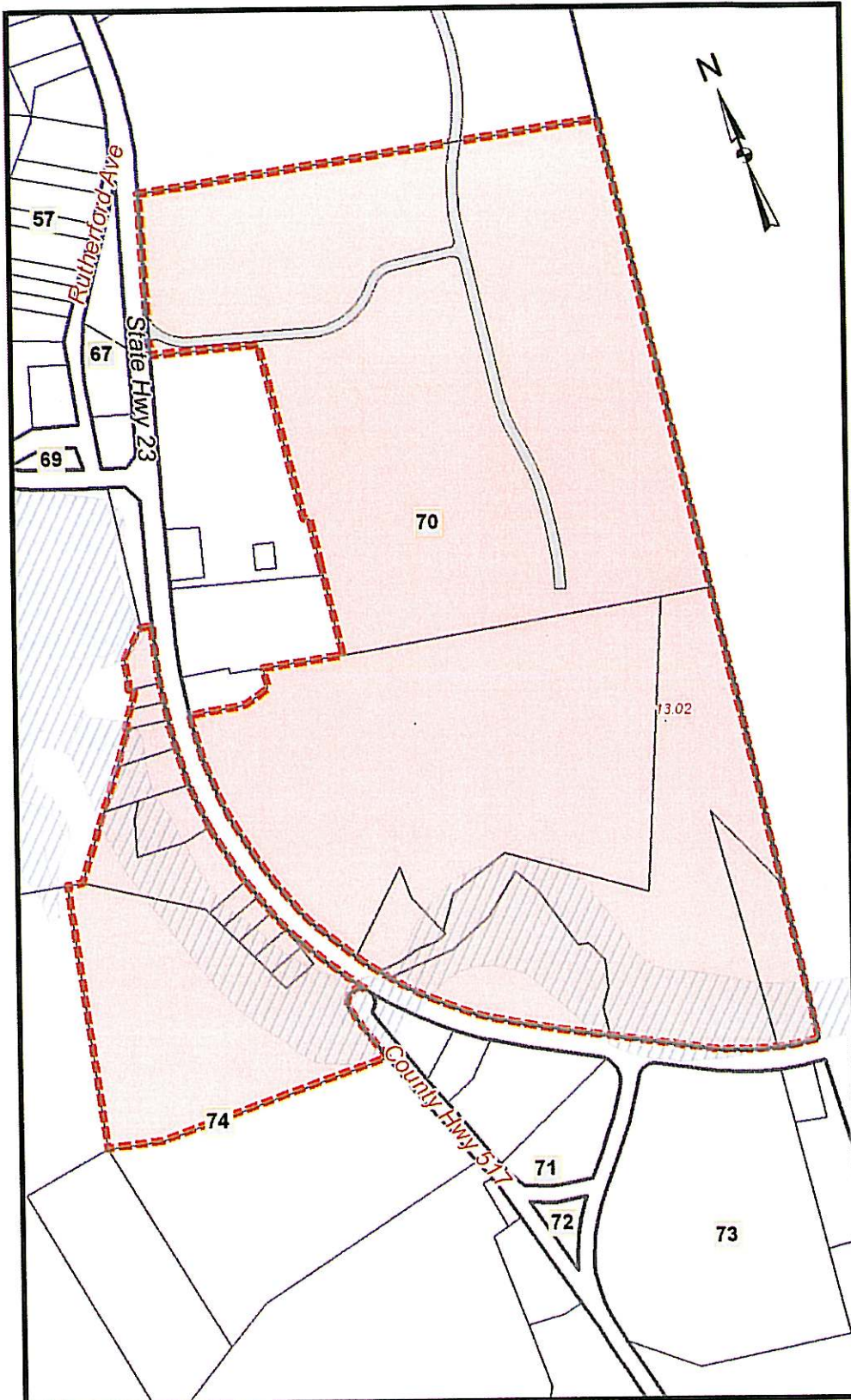





EXHIBIT 2

AREA E
(PORTION OF
N.J.S.H. RTE. 23
FROM WEIS MARKET
TO C.R. 517)

Legend

-  Parcels
-  East Side of Rte. 23
-  Flood Plain

0 200 400
Feet

March 08, 2012

Prepared By:

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



Harold E. Pellow & Associates, Inc.
Consulting Engineers
C.O.A. #24GA27859300
Augusta, N.J.

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Geographic Information
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and is not state-authorized."

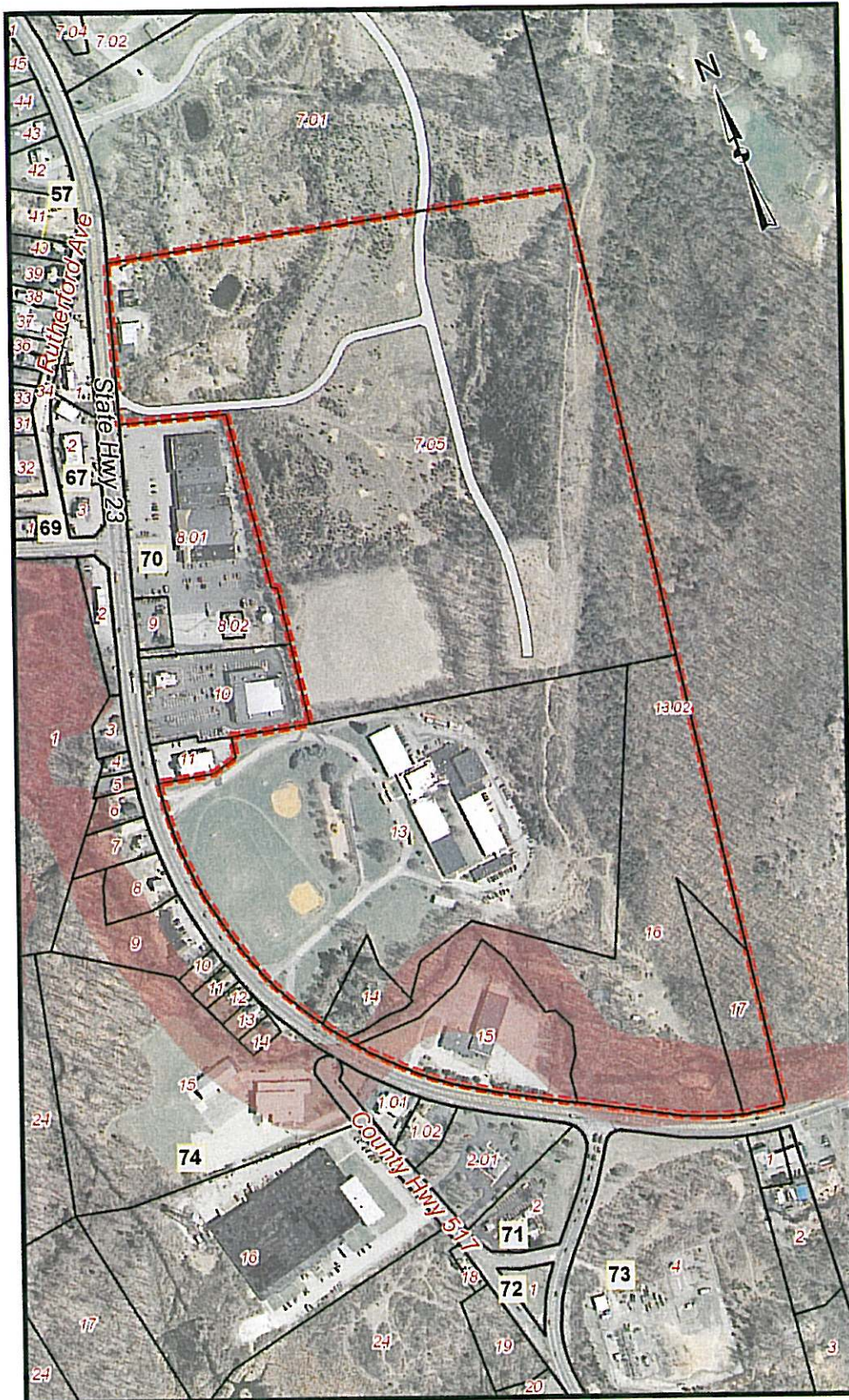

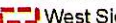

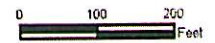


EXHIBIT 3

AREA E (PORTION OF N.J.S.H. RTE. 23 FROM WEIS MARKET TO C.R. 517)

Legend

-  Parcels
-  West Side of Rte. 23
-  Flood Plain



March 08, 2012

Prepared By:

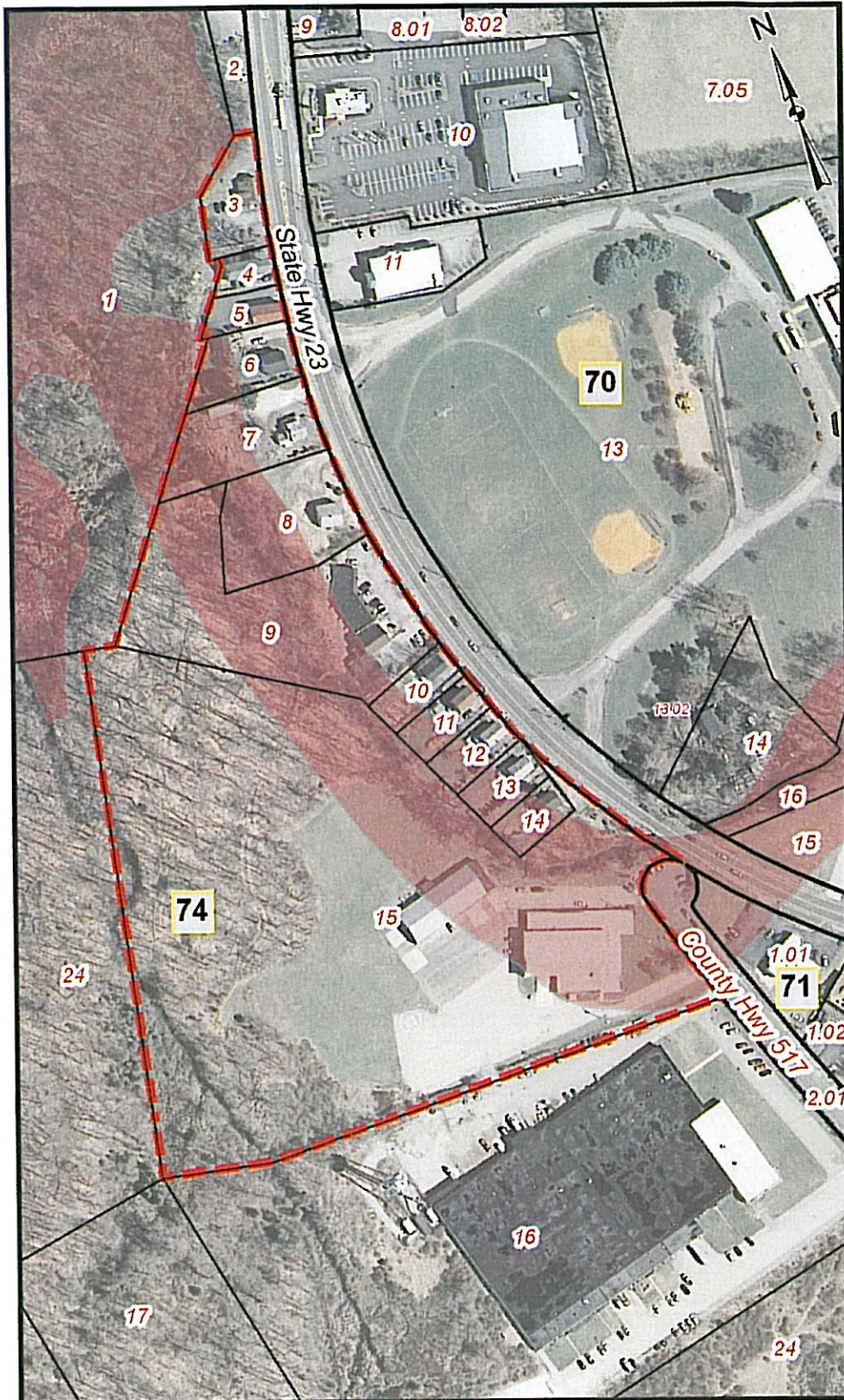
The Nelson Consulting Group
2 Volcanio Hill Road
Wantage, New Jersey



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

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"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."



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 | P | | | | | | | | | | | P | |
| Apartments | | | | | P | Upper floors of upper section only | Upper floors only | Upper floors only ² | | | | | | | P | C Upper floors only |
| Attached single-family/townhouses | | | | | P | | P | | | | | | | | P | |
| Governmental buildings and uses | P | P | P | P | P | P (upper section only) | | P | P | P | P | P | 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 | HMF | NC ^{1,2} |
|--|-----|-----|-----|-----|----|---------------------------|-----|-----|----|---|-----|-------|----|---|-----|-------------------|
| 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 | | | | | | |
| Bowling 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 § 161-33F, Quarry Zone, for all permitted, conditional and accessory uses and structures.
- 2 Amended 3-13-2007 by Ord. No. 6-2007.
- 3 Note: Any use listed in Schedule A that is not included on the above referenced list is specifically prohibited in the NC Zone.
- 4 Note: A single use project may include an affordable housing component in addition to any commercial use, if the Planning Board determines that the affordable housing obligation should be addressed on site.

161 Attachment 2:2

10 - 01 - 2010

LAND DEVELOPMENT

| Uses | R-1 | R-2 | R-3 | R-4 | MF | ZM | B-1 | B-2 | HC | I | MHP | OS/GU | GC | Q | HMF | NC ^M |
|--|-----|-----|-----|-----|----|-------------------|-----|-----|----|---|-----|-------|----|---|-----|-----------------|
| Research laboratories | | | | | | | | | | P | | | | | | |
| Manufacturing, fabrication and assembly | | | | | | | | | | P | | | | | | |
| Quarries | | | | | | | | | | | | | | | | |
| Private garages | A | A | A | A | A | | | | | | | | | | | |
| Sheds, gazebos and similar structures | A | A | A | A | | | | | | | | | | | A | |
| Barns, silos and other customary structures in connection with permitted agricultural uses | A | A | A | A | A | | | | | | | | | | | |
| Off-street parking | A | A | A | A | A | A | A | A | A | A | A | A | A | | | A |
| Signs | A | A | A | A | A | A | A | A | A | A | A | A | A | | | A |
| Home occupations | A | A | A | A | | | | | | | | | | | | |
| Recreation building and personal facilities | A | A | A | A | A | A | | | | | | | | | 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) | | | | | | | | | | |
| Mineralogical 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

