

2019 Master Plan Reexamination: 2025 Amendment

March 10, 2025

Franklin Township, Hunterdon County

fkt0140

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Introduction

The New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-89 et seq., requires that Planning Boards review municipal master plans, zoning, and land development regulations at least once every ten years. Although once every ten years is the minimum requirement, Planning Boards may undertake a reexamination report at any time to address changes in municipal assumptions, policies regarding land use, or emergent land use issues. This includes changes in regulations and statutes at the State level that affect local land use.

The last reexamination report was adopted on October 23, 2019 and is entitled 2019 Master Plan Reexamination. On November 3, 2021 the Township adopted an amendment to the 2019 report entitled 2019 Master Plan Reexamination: 2021 Amendment "(2021 Amendment)". The Franklin Township Planning Board is now amending the 2019 Master Plan Reexamination for the second time since its adoption. The remainder of the text describes the amendments to each chapter of the 2019 Master Plan Reexamination, which are for the most part, related to cannabis. The herein amendments are intended to supersede and replace the 2021 Amendment modifications.

Changes to the 2019 Master Plan Reexamination Report

The sections below indicate the changes, if any, to each chapter of the 2019 Master Plan Reexamination.

I. Introduction

No change.

II. Problems & Objectives Related to the 2006 Reexamination

No change.

III. Extent That Problems & Objectives Have Changed Since 2006

No change.

IV. Extent of Changes in Policies & Objectives Forming the Basis of the 2006 Reexamination Report

State Changes

The following new text shall be added to the "State Changes" section of Chapter IV:

Electric Charging Stations

On November 6, 2019 Governor Murphy signed into law Senate Bill Number 606 titled "An Act encouraging local units to plan for electric vehicle charging infrastructure, and amending P.L. 1975, c.291, and P.L. 1992, C.;79." The law requires a Land Use Plan Element to illustrate the existing and proposed location of public electric vehicle charging infrastructure; a Circulation Plan Element to

identify existing and proposed locations for public electric vehicle charging infrastructure; a Green Buildings and Environmental Sustainability Plan Element to consider, encourage, and promote the development of public electric vehicle charging infrastructure in locations appropriate for their development, including, but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops. Additionally, the law amended the requirements of a Master Plan Reexamination Report to add a new section "F" that contains the recommendations of the planning board concerning locations appropriate for the development of public electric vehicle infrastructure, including, but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops: and recommended changes, if any, in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.

Long-Term Tax Exemptions

On January 13, 2020, Governor Murphy signed into law Senate Bill Number 538 titled "An Act concerning long-term tax exemptions on certain low-income housing, amending P.L.1983, c.530, and supplementing P.L.1991, c.431 (C.40A:20-1 et seq.)." This law allows long-term tax exemption extensions for certain low-income housing. Previously, a property tax exemption could be granted to an affordable housing project for a maximum of 35 years, or until a loan provided by the new Jersey Housing and Mortgage Finance Agency was fully paid. This legislation permits a municipal governing body to continue a tax exemption for a State or federally subsidized housing project beyond the date of the payoff of the existing first mortgage as long as the project remains subject to certain affordability controls.

Virtual Public Meetings

On March 20, 2020 Governor Murphy signed into law Assembly Bill Number 3850 titled "An Act concerning the conduct of public meetings during periods of emergency and supplementing P.L. 1975, c.231." This law allows public meetings, including zoning and planning board meetings, to be conducted electronically during a public health emergency.

Affordable Housing Marketing

On July 1, 2020 Governor Murphy signed into law Senate Bill Number 2527 titled "An Act concerning the online marketing of affordable housing units and supplementing P.L. 1985, c.111." This law requires developers, owners, property managers, and/or administrative agents to post notices of available affordable housing on the Housing Resource Center website at least 60 days prior to conducting a lottery.

Climate Change-Related Hazard Vulnerability Assessment

On February 4, 2021 Governor Murphy signed into law Assembly Bill Number 2785 titled "an Act concerning municipal master plans, amending P.L.1975, c.291, and supplementing title 13 of the Revised Statutes." This law requires any land use plan element adopted after the effective date to include a climate change-related hazard vulnerability assessment which shall analyze current and

future threats to, and vulnerability of, the municipality associated with climate change-related natural hazards such as increased temperatures, drought, flooding, hurricanes, and sea-level rise.

Adult-Use Recreational Cannabis

On February 22, 2021 Governor Murphy signed into law Assembly Bill Number 21 titled “An Act concerning the regulation and use of cannabis, and amending and supplementing various parts of the statutory law.” The law legalizes recreational personal use of cannabis for adults and provides municipalities with 180 days from the date the law was signed to prohibit or establish zoning provisions regulating the six classes of cannabis – cultivation, manufacturing, wholesaling, distribution, retail, and delivery. Municipalities that do not act within the 180-day period will be “locked in” for a five-year period to standards established by the law.

Certain Housing Exempt from Zoning Regulations

On June 30, 2021 Governor Murphy signed into law Senate Bill 1676 titled “An Act concerning hospitals and supplementing P.L.1971, c.136 (C.26:2H-1 et seq.).” The law allows hospitals to construct housing for individuals who are homeless or housing insecure and deems such housing as a permitted use in all residential and non-residential districts of a municipality and exempt the use from local zoning restrictions.

Electric Vehicle Charging Space Requirements

On July 9, 2021 Governor Murphy signed into law Senate Bill 3223 titled “An Act concerning electric vehicles supply equipment and make-ready parking spaces and amending and supplementing P.L.1975, c.291 (C.40:55D-1 et seq.).” This law amends the MLUL’s definition of inherently beneficial to include electric vehicle charging infrastructure. It also amends the law to permit electric vehicle supply equipment as a permitted accessory use and structure in all zoning districts within a municipality and precludes variances. The law states that an application for the installation of electric vehicle supply equipment at an existing gas station, retail establishment, or any other existing building shall not be subject to site plan or other land use board review provided it does not violate any bulk requirements. Moreover, all applications involving five or more multi-family units must provide 15% of the parking spaces as “make-ready” spaces and install electric vehicle supply equipment in at least one-third of the 15% of “make-ready” spaces. There are also requirements for parking lots containing certain numbers of spaces to provide “make-ready” and/or actual charging equipment. The act took effect immediately and any development applications filed after July 9, 2021 will be subject to these requirements.

Multigenerational Housing

On November 8, 2021, Governor Murphy signed into law Senate Bill Number 2727 titled “An Act establishing the Multigenerational Family Housing Continuity Commission”. This law created the Multigenerational Family Housing Continuity Commission within the Executive Branch and is tasked with preparing and adopting recommendations on how State and local governments, community organizations, private entities, and community members can advance the goal of enabling senior citizens to reside at the homes of their extended families. This law also amended N.J.S.A. 52:27D-

310 to add a new required component of housing elements that provides “An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273.”

Prohibition of Appeals to Land Use Decision

On September 24, 2021 Governor Murphy signed into law Assembly Bill Number 4881 titled “An Act concerning appeals of electric meetings held under the Municipal Land Use Law during the emergency declared in response to the COVID-19 pandemic.” This law does not allow a decision of a municipal agency made at, or based, in whole or in part, on a meeting held by means of electronic equipment where some or all participants are not in the same physical location to be appealable on grounds attributable to lack of a physical quorum, lack of a reasonable opportunity to be heard or otherwise particulate in the meeting, etc.

Affordable Housing Reform

On March 20, 2024, Governor Murphy signed into law Assembly Bill Number 4 titled “An Act concerning affordable housing, including administration and municipal obligations, amending, supplementing, and repealing various parts of the statutory law, and making an appropriation.” This law dramatically modifies the State’s affordable housing regulations. The 75-page bill abolishes the Council on Affordable Housing, modifies the process of affordable housing compliance, amends bonus credits, and sets forth several deadlines. Major changes to the regulations include:

- Increasing the cap on age-restricted units from 25% to 30%.
- Creating the Affordable Housing Dispute Resolution Program, which will be responsible for resolving challenges regarding obligations and housing plans, and reviewing housing plans for compliance.
- A municipality or other interested party may file an action through the Program seeking a realistic opportunity review at the midpoint of the certification period, including a review of any inclusionary development site in the housing element and fair share plan that has not received preliminary site plan approval prior to the midpoint of the 10-year-round.
- Failure to meet certain deadlines results in the loss of immunity from exclusionary zoning, which includes builder’s remedy lawsuits, and appears to occur instantly.
- The housing element must also include an analysis of consistency with the State Development and Redevelopment Plan.
- Towns seeking Vacant Land Adjustments are now required to identify sufficient parcels likely to redevelop during the current round to address at least 25% of the prospective need obligation that has been adjusted and adopt realistic zoning that allows for such adjusted obligation.
- Transitional housing is now defined and creditworthy if it meets the micro requirements.
- The bonus credits have been radically amended. The rental bonus credit, which many towns relied on in the third round, has been eliminated and replaced with several bonus options. However, most bonuses are now 0.5 instead of 1.

- All parties are entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by COAH unless those regulations are contradicted by statute or binding court decisions.
- The length of deed restrictions for rental units has been increased to no less than 40 years. For-sale units remain at no less than 30 years.

In October of 2024, the Department of Community Affairs (“DCA”) published a report on its calculations of regional need and municipal present (rehabilitation obligation) and prospective (fourth round obligation) fair share obligations. The DCA calculated Franklin’s present obligation as zero and it’s prospective obligation as 52. Municipalities are required to adopt a binding resolution outlining its present and prospective fair share obligations by January 31, 2025. On January 28, 2025, the Township Committee adopted Resolution No. 2025-17 accepting the DCA’s calculations of the Township’s present and prospective obligations, subject to any vacant land and/or durational adjustment. The Township of Franklin also filed a Declaratory Judgment Complaint on January 29, 2025 as part of the compliance certification process outlined in the Director of the Administrative Office of the Courts Directive #14-24. By June 30, 2025, the Township must adopt a housing element and fair share plan and prepare drafts of the zoning and/or other ordinances and resolutions to implement its prospective fair share obligation.

V. Changes Recommended for the Master Plan or Development Regulations

Land Use Review

The following text replaces item 1. of the “Future Land Uses” subsection within the “Land Use Review” section of Chapter V:

1. Marijuana. The State of New Jersey legalized medical marijuana in 2010. As of June 3, 2019, there were six dispensaries within the State with 47,000 patients in the program. In February of 2021 the Governor signed a bill legalizing adult-use recreational cannabis. That bill gave municipalities 180 days to prohibit or establish zoning standards for the six defined classes of cannabis. However, within 180-day timeframe the State Cannabis Commission did not issue its regulations. Due to the uncertain State regulations, limited timeframe, and other unknown factors Franklin Township officials elected to “opt-out”, or prohibit all six classes of cannabis, until such time as additional information and guidance were available. The prohibition was enacted via Ordinance 2021-09 adopted on July 8, 2021.

In the Fall of 2021, the Township Committee was contemplating the adoption of an ordinance to permit cannabis cultivation, manufacturing, distribution/wholesale, and micro cultivation. The Township Planning Board adopted the 2019 Master Plan Reexamination: 2021 Amendment (“2021 Amendment”) on November 16, 2021 that recommended an ordinance be drafted to add the four aforementioned cannabis uses to certain zones within the Township. Following the adoption of the 2021 Amendment, citizen concern was expressed regarding odor, water consumption, traffic, potential water contamination, etc. Over several months, the Township Committee received significant public input and, as a result, an ordinance permitting cannabis uses was never adopted.

Since November of 2021, the Township has changed its position regarding cannabis uses within the Township and now seeks to prohibit all types of cannabis uses. Certain methods of cannabis cultivation require significant water supply. A majority of the Township relies on private wells for potable water. Additional water demand from the aquifers that serve Franklin could negatively impact the groundwater supply for residents and farms. In addition to potential substantial water use, indoor cannabis cultivation facilities consume high levels of energy for the artificial lighting, ventilation, and temperature control necessary to maintain optimal growing conditions. The Township is also concerned with odor, noise, and traffic generated by cannabis uses that could negatively impact the rural character of Franklin. Other impacts such as the potential effect on property values, degradation of environmentally sensitive areas, and the use and runoff of fertilizers and pesticides, are concerns the Township has with permitting cannabis uses. For these reasons, the Township seeks to prohibit all types of cannabis uses and facilities in Franklin.

VI. Recommendations Concerning the Incorporation of Redevelopment Plans

No change.

VII. Recommendations Concerning Electric Vehicle Infrastructure

This is a new chapter being added to the 2019 Master Plan Reexamination as the requirement to address electric vehicle infrastructure was added in November of 2019, after the adoption of the report. The new chapter text would read as follows:

The Township is unaware of any existing charging stations. Franklin Township is amendable to homeowners and businesses installing charging stations on private property provided all bulk parameters are met. Franklin does not believe it is necessary to draft an ordinance to address charging stations currently. Furthermore, the State has already adopted regulations requiring the installation of charging stations for certain types of developments and applications filed after July 9, 2021.

Conclusion

This amendment to the 2019 Master Plan Reexamination addresses the Township's desire to prohibit all classes of cannabis in the Township. No other revisions are proposed to the Township's master plan or development regulations at this time.

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