

2019 Master Plan Reexamination

Township of Franklin

Hunterdon County, New Jersey

October 8, 2019

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Maser Project No. FKT-120

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

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I. INTRODUCTION

The Township of Franklin is located in central Hunterdon County and encompasses roughly 23 square miles. Franklin is primarily rural with a commercial center at the northern tip of the Township. Three small villages are situated within Franklin – Quakertown, Cherryville and Pittstown. The northernmost point of the Township abuts Interstate 78 with Exit 15 located within Franklin. Additionally, Route 12, which provides access between Frenchtown and Flemington, intersects the Township at the southernmost point. Franklin does not have access to any public transportation services. Franklin is surrounded by the Town of Clinton to the north, Clinton Township to the northeast, Raritan Township to the southeast, Delaware Township to the south, Kingwood Township to the southwest and Alexandria and Union Townships to the northwest.

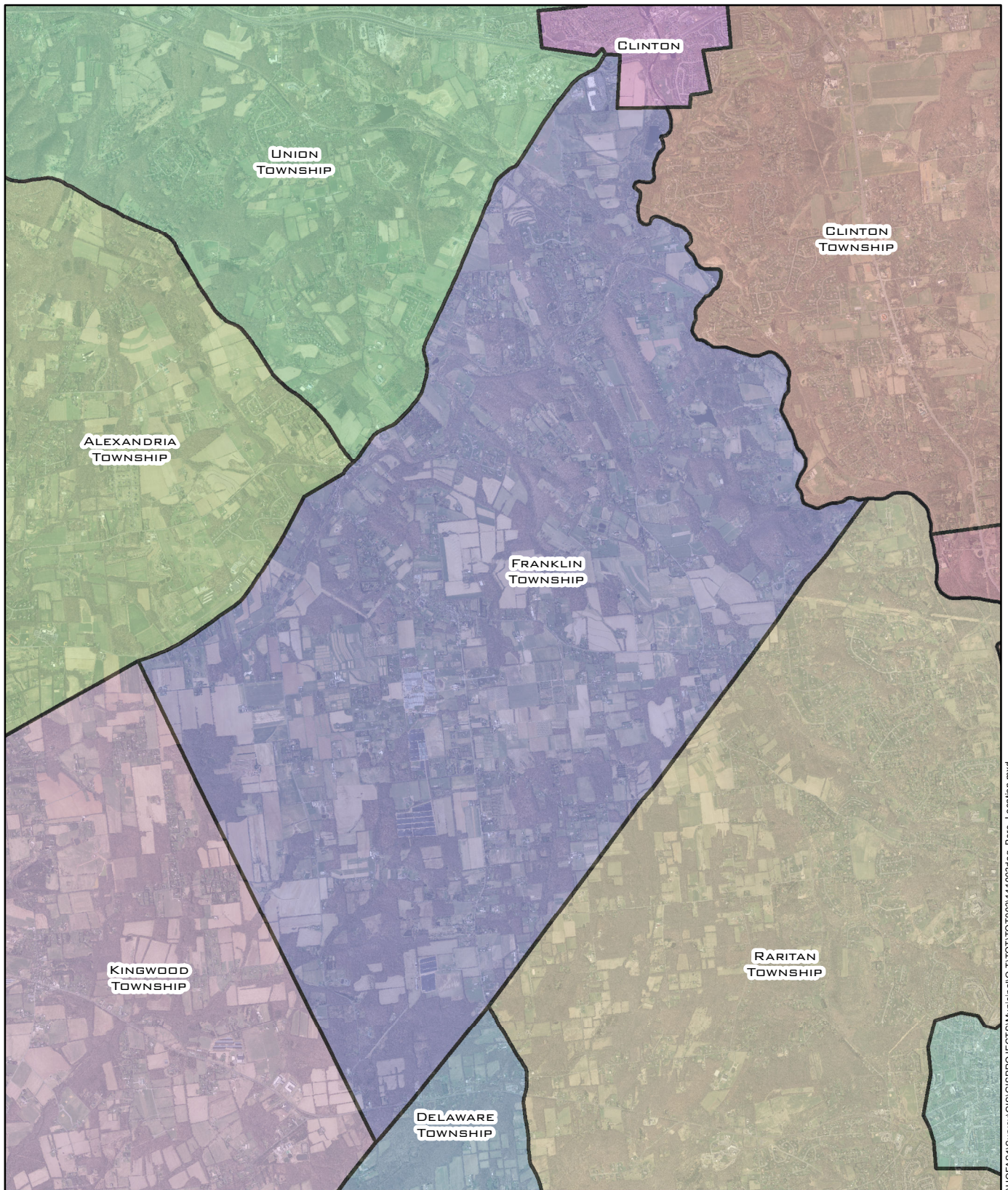
The New Jersey Municipal Land Use Law, N.J.S.A. 40:55 D-1 et seq., stipulates that each municipality in the State of New Jersey shall reexamine its Master Plan and development regulations at least every ten years. Specifically, N.J.S.A. 40:55D-89 states:

“The governing body shall, at least every ten years, provide for a general reexamination of its master plan and development regulations by the Planning Board, which shall prepare and adopt by resolution a report on the findings of such reexamination, a copy of which report and resolution shall be sent to the Office of Planning Advocacy and the County Planning Board.”

This reexamination of the Township of Franklin Master Plan conforms to the requirements of the Municipal Land Use Law and addresses the requirements of N.J.S.A. 40:55D-89 by including the following:

- A. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
- B. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- C. The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, County and municipal policies and objectives.
- D. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
- E. The recommendations of the Planning Board concerning the incorporation of redevelopment plans adopted pursuant to the “Local Redevelopment and Housing Law”, P.L. 1992, c.79 (C.40A:12A-1 et seq.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

A review of Franklin’s master planning documents reveals that the Township’s last reexamination report was adopted on November 8, 2006. Prior to that there was a 2003 Reexamination Report. Franklin Township’s last Master Plan was adopted in December of 1995 and amended in 1997 and 1998. The aforementioned requirements of the Municipal Land Use Law are addressed in the sections of this report that follow.



0 3,000 6,000
Feet
1 inch = 6,000 feet

**TOWNSHIP LOCATION
AERIAL MAP**
TOWNSHIP OF FRANKLIN
HUNTERDON COUNTY, NEW JERSEY



MARCH 2019

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II. PROBLEMS & OBJECTIVES RELATED TO THE 2006 REEXAMINATION

This chapter of the 2019 Master Plan Reexamination report examines the major problems and objectives outlined in the 2006 Reexamination Report. Problems and objectives noted in 2006 are as follows:

1. The Township should consider rezoning the 3.0 Residential district to the 7.0-acre Agricultural Residential Zone district. The 7.0-acre Agricultural Residential district is more reflective of the environmentally sensitive lands present in the area and the rezoning would create consistency with neighboring lands that share similar characteristics and are currently located in the 7.0-acre Agricultural Residential district.
2. The Township should consider reducing the area of Commercial-South Zone to include, primarily, only the frontage of properties, which will have the most success in attracting business uses due to their visibility. The remaining land should be rezoned to the 7.0 Agricultural Residential district, which is consistent with neighboring lands and the environmental constraints present.

III. EXTENT THAT PROBLEMS & OBJECTIVES HAVE CHANGED SINCE 2006

This chapter of this Reexamination looks at the extent to which problems and objectives have been reduced or increased since 2006. The two issues listed in Chapter II are summarized below, along with a 2019 status evaluation.

1. **Rezoning.** Rezone the 3.0 Residential Zone to the 7.0 Agricultural Residential (hereinafter “AR-7.0”) Zone.

Current Status: Chapter 220, Land Use, was amended in November of 2006 via Ordinance 2006-14 to create the AR-7.0 Zone.

2. **Commercial-South Zone.** Reduce the area of the Commercial-South Zone to include primarily the frontage of properties. The remaining land should be rezoned to the AR-7.0 Zone.

Current Status: The Commercial-South Zone has not been amended as recommended by the 2006 Reexamination Report.

IV. EXTENT OF CHANGES IN POLICIES & OBJECTIVES FORMING THE BASIS OF THE 2006 REEXAMINATION REPORT

The third step in the reexamination process, known as Section “c”, reviews the extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the Master Plan or development regulations and changes in State, County and municipal policies and objectives. Since the 2006 Reexamination Report, there have been several changes at the State, County, and Township level that impacts the policies and objectives that form the basis of the Master Plan. Additionally, demographic changes have occurred that are noted in the next section.

DEMOGRAPHIC CHANGES

The sections below show historic trends and the most recent data from the Census Bureau provided in the 2013-2017 American Community Survey (hereinafter “ACS”) estimates.

The population of the Township of Franklin has been steadily rising since 1940. The most significant decades of growth were seen in the 1950s and 1980s, when the Township gained 522 and 557 new residents, respectively. The 1960s was also a decade of significant growth with nearly 400 new residents in the Township. The most recent decennial Census reported the Township had a population of 3,195, an increase of 205 residents since the 2000 Census. However, the 2017 ACS reported a population of 3,234, an increase of only 39 residents in seven years.

POPULATION GROWTH			
Year	Population	Change	Percent
1940	1,211	---	---
1950	1,255	44	3.6%
1960	1,777	522	41.6%
1970	2,154	377	21.2%
1980	2,294	140	6.5%
1990	2,851	557	24.3%
2000	2,990	139	4.9%
2010	3,195	205	6.9%
2017	3,234	39	1.2%

Source: 2010 Census table DP-1; 2017 American Community Survey ("ACS") table
<http://lwd.dol.state.nj.us/labor/lpa/census/2kpub/njsdcp3.pdf>

The North Jersey Transportation Planning Authority (hereinafter “NJTPA”), which is the regional planning agency for northern New Jersey, projects in their “Plan 2045” long range plan that the Township will grow from 3,290 residents in 2015 to 3,774 residents by the year 2045.¹ In order for that to occur, Franklin would need to gain 484 residents by 2045, which translates to just over 16 new residents annually. However, the 2017 ACS reported a population of 3,234, 56 less than what the NJTPA reported in 2015. Therefore, the Township would need to gain 540 residents by 2045, or 19.3 persons between 2017 and 2045. A population of 3,774 residents in 2045 is unlikely based on the decrease in new housing construction within the Township.

AGE DISTRIBUTION OF POPULATION

In 2017, 23.6% of Franklin’s population was under 20 years of age while 30.1% of the population was 60 years or older. Persons age 45 to 54 years comprised 18.8% of the population, or 607 residents. Nearly 400 people, or 12.3% of the population, were between 65 to 74 years of age according to the 2017 ACS. This is reflected in the median age of the Township which was 49 years old. The table on the following page shows the 2017 age distribution of Franklin’s population.

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POPULATION BY AGE COHORT		
Age	Total	Percent
Under 5 years	161	5.0%
5 to 9 years	142	4.4%
10 to 14 years	228	7.1%
15 to 19 years	229	7.1%
20 to 24 years	181	5.6%
25 to 34 years	178	5.5%
35 to 44 years	323	10.0%
45 to 54 years	607	18.8%
55 to 59 years	212	6.6%
60 to 64 years	306	9.5%
65 to 74 years	399	12.3%
75 to 84 years	145	4.5%
85 years and over	123	3.8%
Total	3,234	100.0%

Source: 2017 ACS table DP05

HOUSING OCCUPANCY & TENURE

In 2017, Franklin contained an estimated 1,252 housing units. As the table below shows, a total of 1,159 units, or 92.6%, were occupied, including 1,064 owner-occupied units and 95 renter-occupied units. An estimated 93 units, or 7.4% of the housing stock, was vacant in 2017. Of the 93 vacant units, a majority had a vacancy status of “other”. The 30 remaining units were either for sale, sold and not yet occupied or for seasonal use.

HOUSING OCCUPANCY		
	Households	Percent
Occupied Total	1,159	92.6%
Owner Occupied	1,064	91.8%
Renter Occupied	95	8.2%
Vacant Total	93	7.4%
For rent	0	0.0%
Rented, not occupied	0	0.0%
For sale	14	15.1%
Sold, not occupied	11	11.8%
Seasonal	5	5.4%
Other	63	67.7%
Total	1,252	100.0%

Source: 2017 ACS tables DP04 & B25004

HOUSEHOLD SIZE

According to the 2017 ACS, Franklin had a total of 1,159 households. One third of those households were two-person households, while one-person households comprised of 20.0% of all households. Similarly, 230 households, or 19.8% of the occupied households in the Township contained three people. Therefore, nearly 75% of the households were comprised of one-, two- and three-persons. Four or more person households included 26.8% of the housing stock.

HOUSEHOLD SIZE		
Size	Total	Percent
1-person	232	20.0%
2-person	386	33.3%
3-person	230	19.8%
4-person	193	16.7%
5-person	99	8.5%
6-person	19	1.6%
7+ person	0	0.0%
Total	1,159	100.0%

Source: 2017 ACS table B11016

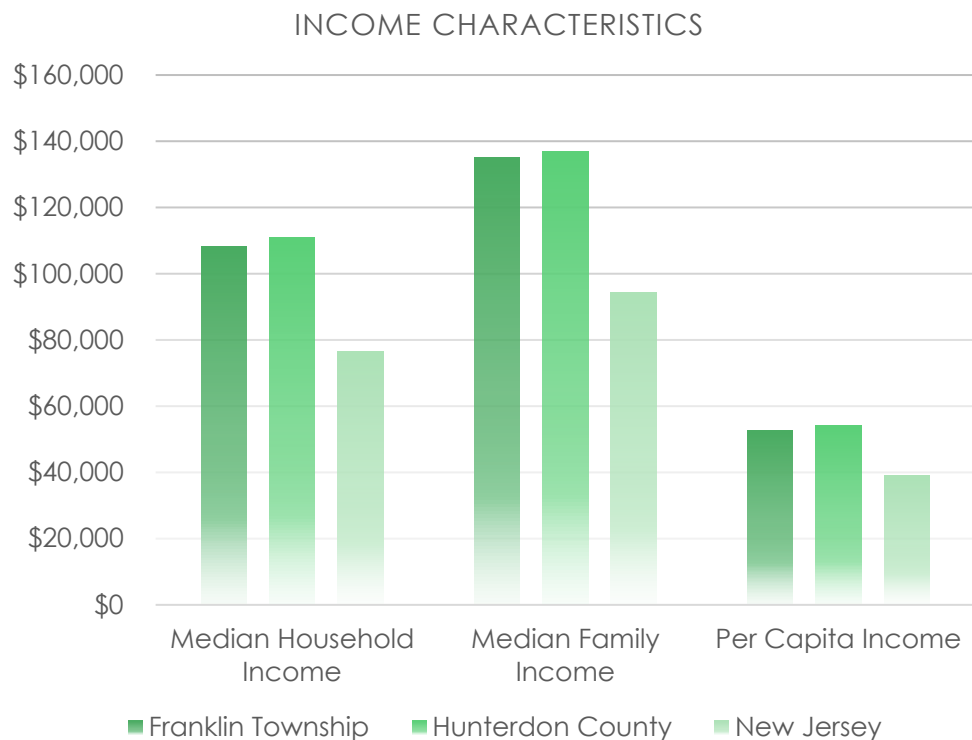
HOUSEHOLD INCOME

The 2017 ACS estimates that Franklin had a median household income of \$108,309. This is greater than the State's median income, but just shy of the County's. The Township's median family income of \$135,104 follows the same ranking as the median household income. Township residents are estimated to have a slightly lower per capita income than the County, but higher than the State in 2017. The Township had significantly less families and individuals living in poverty than the State according to the 2017 ACS. In order to understand how Franklin ranks, see the table below and the graph on the following page, which compares the Township to the County as well as the State.

INCOME CHARACTERISTICS			
Income Type	Franklin Township	Hunterdon County	New Jersey
Median Household Income	\$108,309	\$110,969	\$76,475
Median Family Income	\$135,104	\$136,895	\$94,337
Per Capita Income	\$52,797	\$54,200	\$39,069
Poverty Status (Percent of People)	2.8%	4.5%	10.7%
Poverty Status (Percent of Families)	1.0%	2.7%	7.9%

Source: 2017 ACS table DP03

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**LAND USE**

The Township of Franklin has a variety of land uses and buildings that give the community its distinct rural character. Over 1,600 parcels make up Franklin. In 2017, a total of 912 parcels, or 56.6%, were classified as residential and had a total value of \$386+ million. However, Franklin also contained three parcels with apartments and 250 farm homestead parcels. Therefore, there were 1,165 residential parcels, which had a total value of \$496+ million. Nearly 23% of the parcels in the Township were classified as farmland in 2017. Finally, a total of 27 parcels were either commercial or industrial while 53 parcels were vacant. The chart below summarizes the broad land use categories and displays the number of parcels and value for each category.

LAND USE (2017)				
Land Use Class	# of Parcels	Percentage	Total Value	Percentage
Vacant	53	3.30%	\$2,752,600	0.50%
Residential	912	56.50%	\$386,549,700	71.30%
Apartment	3	0.20%	\$1,037,400	0.20%
Farm Homestead	250	15.50%	\$108,880,800	20.10%
Farmland	369	22.90%	\$4,111,735	0.80%
Commercial	23	1.40%	\$36,421,500	6.70%
Industrial	4	0.20%	\$2,028,900	0.40%
Total	1,614	100.00%	\$541,782,635	100.00%

Source: http://www.nj.gov/dca/divisions/dlgs/resources/property_tax.html

STATE CHANGES

STATE DEVELOPMENT AND REDEVLEOPMENT PLAN

The State Strategic Plan is the revision to the 2001 State Development and Redevelopment Plan. The document sets forth a vision for the future of New Jersey along with strategies to achieve that vision. The State Strategic Plan was intended to be adopted by the State Planning Commission in November 2012 but was postponed due to Super Storm Sandy. The Commission is revising the document to incorporate disaster planning goals considering Super Storm Sandy.

The draft final State Strategic Plan has four overarching goals along with ten “Garden State Values”. The four goals are as follows:

- Targeted Economic Growth – Enhance opportunities to attract and grow industries of statewide, regional and international importance.
- Effective Regional Planning - Guide and inform regional planning to enable each region of the State to experience appropriate growth, preservation and protection based on its assets and desires.
- Preservation, Protection and Enhancement of Critical State Resources - Ensure that strategies for growth include preservation, protection and enhancement of our State's critical natural, agricultural, scenic, recreation, and historic resources, recognizing their role in economic growth and the quality of life for New Jersey residents.
- Tactical Alignment of Government - Prioritize effective resource allocation, coordination, cooperation and communication among entities that play a role in meeting the Plan’s mission.²

The ten values include:

- Concentrate Development and Mix Uses - Promote mixed-use development in Priority Growth and Alternate Investment Areas that is compact, conserves land, offers shopping and services, and provides culturally enriching experiences within convenient walking distance of home and jobs. Build with suitable designs and densities that support walking, biking and public transportation.
- Prioritize Redevelopment, Infill, and Existing Infrastructure - Strengthen cities, towns and neighborhoods by prioritizing redevelopment, the reuse and remediation of existing sites and structures, and construction on infill sites that are compatible with surrounding uses. Upgrade existing infrastructure where needed, before adding new capacity. Encourage development that incorporates green design and construction principles and opportunities for clean and renewable energy and efficiency measures.
- Increase Job and Business Opportunities - Provide opportunities for investment near housing, infrastructure and transportation. Support economic growth by addressing the land use and infrastructure needs of targeted industries and areas, consistent with these principles.
- Create High-Quality, Livable Places - Work with communities to offer an environmentally healthy place to live, work and recreate. Enhance community character and design, especially in historic areas, by reusing

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significant buildings, reinforcing architectural styles, incorporating art, and providing pedestrian-friendly streetscapes. Improve community plazas, public performance spaces and parks and connections to waterfront areas.

- Provide Transportation Choice and Efficient Mobility of Goods - Maintain and enhance transportation options that improve access, safety, affordability and air quality for all users: pedestrians, bicyclists, transit-users, ride-shares and drivers. Improve strategic freight and public transportation infrastructure that supports sound economic growth. Encourage options for low emission and alternate fuel vehicles.
- Protect Equity - Consider the impact to equity for property owners. Where the goals, objectives and strategies of this Plan implemented by county and local governments affect the reasonable development potential of private property or is determined to disproportionately affect the equity of other citizens, government agencies at all levels should identify feasible remedies, including, for example, compensation programs, that help mitigate such impacts as appropriate.
- Diversify Housing Opportunities- Support construction and rehabilitation of homes that meet the needs of households of all sizes and income levels, located near jobs, transit and where services are available.
- Provide for Healthy Communities through Environmental Protection and Enhancement - Protect and restore the environment, sensitive lands, ecosystems and natural resources. Ensure healthy places through an increase in the quantity and quality of preserved land. Reduce energy use, carbon emissions, water degradation and other impacts of development.
- Protect, Restore and Enhance Agricultural, Recreational and Heritage Lands - Support agriculture and locally-grown food consumption through protection and preservation of farmland. Protect agricultural lands, and historic sites and landscapes. Provide accessible neighborhood parks and recreational systems.
- Make Decisions within a Regional Framework - Maintain up-to-date, coordinated local, regional and State functional plans that reflect these principles and can provide a regional framework for making decisions about capital investments, programs, regulations and development applications. Gather and consider public input during planning and implementation.³

AFFORDABLE HOUSING

On March 10, 2015, the New Jersey Supreme Court ruled that the New Jersey Council on Affordable Housing (“COAH”) has failed to act and as a result, the Courts will be assuming jurisdiction over the Fair Housing Act. The Order divided municipalities into one of three categories – those that achieved Third Round Substantive Certification, those that filed or petitioned COAH and those that had never participated in the COAH process.

The Order permitted towns to file a Declaratory Judgment during a 30-day window (approximately June 8 – July 8, 2015) to alert the Court that the municipality wishes to comply with its constitutional mandate to provide affordable housing. Franklin was proactive and filed its Complaint for Declaratory Judgment on July 8, 2015. The Township’s case was assigned to Judge Miller, who sits in Somerville. After several mediation sessions with Fair Share Housing Center (an interested party in the matter), the Township decided to settle the case. On October 12, 2017 the Mayor executed the Settlement Agreement, which agreed to a Rehabilitation obligation of 0, a Prior Round Obligation of 36 and a Third Round Obligation of 75. The Settlement Agreement included a durational

adjustment for nine units of the Prior Round Obligation and the entire Third Round Obligation. On December 11, 2017 Judge Miller issued an Order on the Township's Fairness Hearing indicating that the Settlement Agreement was fair to the protected class and directed the Township to begin preparing the required implementing documents. During the next few months the Township discovered that one of its built mechanisms was never deed restricted as required and Franklin was short four credits. This triggered the need to amend the Settlement Agreement. An amended Settlement Agreement was then executed by the Township on August 2, 2018. This increase the durational adjustment to 13 units for the Prior Round.

Judge Miller issued a Final Judgment of Compliance and Repose for Franklin Township on March 13, 2019, which immunizes the Township from Mount Laurel builder's remedy actions through July 1, 2025.

COUNTY CHANGES

Since the adoption of the 2006 Reexamination Report, Hunterdon County has adopted the following documents:

2007 GROWTH MANAGEMENT PLAN

In 2007, Hunterdon County adopted the Growth Management Plan ("GMP") which provides a profile of the County's various elements such as natural resources, land use, transportation, economic development, population and housing. The Plan projects the County's build-out using three different models and makes recommendations to control the growth of the County. This Plan does not make recommendations for specific municipalities, rather general guidelines are presented to help guide growth.

Chapter Three of the GMP presents three steps for municipalities to take. Step 1 discusses establishing community goals and vision of the entire community in order to identify and create planning changes such as land use ordinances, community design plans or form-based zoning. The County conducted a County-wide survey in 2003 along with multiple public meetings to establish community values and design ideas. This "visioning" process yielded the conclusion that Hunterdon County residents believe it is critical to preserve the rural character of the County. Step 2 is called "Balancing the Preservation of Rural Character with Population Growth" and discusses land use management to accommodate growth without being detrimental to the rural character of the County. This step includes land preservation by choosing a zoning strategy such as a Transfer of Development Rights program or clustering, practicing green design by prioritizing environmental features, implementing green design along roadways, and historic preservation. Finally step 3 entitled "Fostering Innovative Planning and Design", discusses multiple techniques to implement good planning into communities with various values, characters and ideas.

2008 FARMLAND PRESERVATION PLAN

Adopted in 2008, the Farmland Preservation Plan addresses the County's desire to combat development pressure and decline of active farmers by farmland preservation. According to the Plan, Franklin Township currently has 18 preserved farmland properties totaling 2,068.86 acres⁴. These farms were preserved through County easement, State Agriculture Development Committee donation or a Municipal Planning Incentive Grant ("PIG") program. The Plan lists targeted farms for the County's PIG program. Two farms comprising of six parcels and totaling 230.76 acres are included in the County's targeted farm list:

- Block 30, Lots 3, 3.01 and 3.20 – 97.76 acres
- Block 49, Lots 16 and 18 -133 acres

2014 COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY

In 2014, the Hunterdon County Comprehensive Economic Development Strategy plan was adopted. The Vision of the Plan is “Hunterdon County, New Jersey is a wonderful place to live, work and visit. Its scenic rural character, working farms, nationally recognized healthcare, recreational offerings and commitment to small business success, along with its arts, cultural and historic attractions combine with quaint town centers to create a vital economy and uncommon quality of life.” Additionally, the Mission Statement of the Plan is “The Hunterdon County Comprehensive Economic Strategy is the intentional, collaborative and sustained action of policy makers and stakeholders to promote an exceptional standard of living in and economic health that continually affects desired changes in the regional economy, attracts and retains business, benefits residents, supports infrastructure and planned development, and maintains affordability”. The Plan was created to identify and capitalize on the County’s strengths and assets while addressing the weaknesses and stimulate growth.

The Action Plan identifies six Goals with multiple objectives to stimulate economic growth and attract businesses. The Goals include fostering economic development, facilitate public and private partnerships, channel growth in an efficient manner, provide infrastructure and transportation investments and maintain a high quality of life in the County. None of these Goals and their objectives specifically mention the Township of Franklin.

2018 ECONOMIC IMPACT OF TOURISM IN HUNTERDON COUNTY STUDY

The County prepared a tourism study in connection with Stockton University, the Highlands Council, Hunterdon County Chamber of Commerce and The Delaware River Towns Chamber of Commerce. The Study measures the tourism goods and services spending in the County and compares the results with New Jersey. Additionally, tourism employment, restaurant and lodging industries are evaluated. The Study found that tourism within the County has been growing since 2009. An estimated \$248 million was spent on tourism good and services in 2009 compared to \$317 million in 2016, an increase of 27.8%. The 2016 spending included \$81 million each on food and beverage and transportation, \$66.6 million on shopping, \$51.5 million on recreation and entertainment and \$36.8 million on traveler accommodations. However, Hunterdon County was found to have far less tourism than the surrounding Counties except for Warren County. The Study concludes by offering programs to market and fund future tourism events and projects to continue to grow the tourism industry in the County.

2018 PARKS AND OPEN SPACE STRATEGIC PLAN

Adopted in 2018, the Parks and Open Space Strategic Plan addressed the need to preserve open spaces, natural resources, provide parks and park facilities, offer educational and recreational opportunities and create a future County Park system in accordance with the County’s GMP vision of the “protection of Hunterdon County’s extensive network of natural resources and maintenance of its rural or scenic-rural landscape. The Open Space Plan provides an inventory of improved and unimproved parkland, recreational facilities and educational programs.

The Plan found that Franklin has a total of roughly 3,725 acres of open space including 207 acres of municipal parks and open spaces, 131.5 acres of County parks and open space, 97 acres of State parks and open space, 396.5 acres of land owned by the Board of Education, 167 acres of non-profit lands and 2,726 acres of preserved farmland. The Plan identifies one existing recreation facility in the Township of Franklin.

Two multi-purpose trails currently exist in Franklin. The first trail is a portion of the County-owned Landsdown Trail, which is a 1.5-mile long trail that connects from downtown Clinton to Lower Landsdown Road in Franklin.

The second trail is the State-owned Capoolong Creek Trail, which traverses four miles from behind the village of Pittstown to Landsdown Road along the Capoolong Creek.

A new trail is proposed from the Musconetcong Mountain Trail through Bethlehem, Union and Franklin Townships and connecting to the Capoolong Trail on Kingstown Road. Much of the land required to construct this trail has trail easements across preserved farmland. Additionally, the Capoolong Creek Trail is proposed to be extended from the village of Pittstown to downtown Frenchtown.

MUNICIPAL CHANGES

Since the adoption of the 2006 Reexamination Report, Franklin has adopted three master plan documents, which are detailed in the sections below. Finally, there is a section regarding the Township's compliance with stormwater management regulations.

2009 NATURAL RESOURCE INVENTORY

Adopted in 2009, the Natural Resource Inventory (hereinafter "NRI") identifies significant environmental resources and provides guidance for protection, preservation, and conservation of these resources. The document covers the topics of topography, geology, soils, watersheds, wetlands, forest resources, etc. There are a series of maps attached to the end of the document that graphically illustrate the various resources within the community.

Page 21 of the document recommends that the Township's application checklist be amended to add a requirement that the applicant refer to the NRI in the process of preparing their application. Additionally, the report suggests that the findings of the NRI be incorporated into Franklin's land development design standards.

2014 OPEN SPACE & RECREATION PLAN

According to the 2014 Open Space and Recreation Plan, Franklin had preserved 2,775 acres of farmland and 1,054 acres of preserved open space (owned by the Township, County, State, Non-profits, and through easements).⁵ These two numbers total to 25.7% of the Township's land area. The report identifies parcels for open space preservation as well as properties recommended for future farmland preservation.

The report recommends that the Township implement woodland conservation standards as part of the zoning ordinance to restrict the unnecessary removal of trees. It also recommends that the Township consider overlay zone restrictions to protect and preserve the ridge line views.

2018 HOUSING ELEMENT & FAIR SHARE PLAN

Adopted in November of 2018, the Housing Element and Fair Share Plan (hereinafter "HEFSP") addresses the Township's Third Round Obligation, which spans from 1999 to 2025. As noted under State Changes, Franklin has a three-part affordable housing obligation. A Rehabilitation Obligation of 0, a Prior Round Obligation of 36, and a Third Round Obligation of 75. However, the Township successfully received a durational adjustment due to a lack of public water and sewer for 13 units from the Prior Round and the entirety of the Third Round Obligation. A durational adjustment is an acknowledgement by the Court that the Township is unable to realize inclusionary residential development unless and until sewer and water capacity increases and becomes available.

The Township created two new zones to enable inclusionary residential development in the event additional water and sewer capacity becomes available. The Township rezoned Block 5, Lots 2 and 3, which are vacant parcels

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owned by the Township, to permit multi-family inclusionary zoning at eight units per acre. The new zone (called Multi-family Housing Zone) requires a 15% set-aside for rental development and a 20% set-aside for for-sale development. Franklin also created a new overlay zone on Block 5, Lots 1 and 20. These two properties encompass a hotel, restaurant and shopping complex. The new zone, called Mixed-use Development Overlay Zone, permits non-residential uses on the first floor and multi-family housing on the second and third floor. A density of 16 units per acre is permitted. The overlay zone requires a 15% set-aside for rental development and a 20% set-aside for for-sale development.

As noted above, the Township received a Final Judgment of Compliance and Repose, which protects Franklin from Mount Laurel builder's remedy actions through July 1, 2025.

STORMWATER MANAGEMENT PROGRAM

Enacted on February 2, 2004, New Jersey's stormwater management program, comprised of two separate Rules (N.J.A.C. 7:8 and 7:14A), establishes a framework for addressing water quality impacts associated with existing and future stormwater discharges. Together with the new Flood Hazard Control Act Rules (N.J.A.C. 7:13) they provide for Category One (C1) Water Protection including a 300-foot Special Water Resource Protection Area or buffer for new major development adjacent to all C1 waters and upstream tributaries of C1 waters within the same HUC-14 sub-watershed. These regulations have implications in Franklin as the Township contains C1 waterways.

The Township has complied with the 2004 rule changes as follows:

- Preparing and adopting a Stormwater Management Plan.
- Preparing and adopting a Stormwater Control Ordinance.
- Obtaining a Stormwater Permit from the State of New Jersey and addressing the Statewide Basic Requirements (SBN's) in that permit on a recurring basis.
- Reviewing development applications for compliance with the adopted Stormwater Control Ordinance where applicable.

Following the adoption of this Master Plan Reexamination report, a new Stormwater Management Plan will be prepared.

V. CHANGES RECOMMENDED FOR THE MASTER PLAN OR DEVELOPMENT REGULATIONS

This chapter of the 2019 Master Plan Reexamination looks at specific changes that are recommended for the Master Plan or existing development standards, which can include the underlying objectives, policies and standards. This chapter is divided into seven sections:

- Background Information
- Master Plan Goals
- Economic Development
- Land Use Review
- Rezoning
- Use Variance Activity
- Open Space and Recreation Plan Element

BACKGROUND INFORMATION

Franklin contains six zones and one overlay zone as shown by the Zoning Map on the following page. The Commercial-North Zone is located at the northern end of the community. Some of the properties within this zone have public water and sewer. These are the only parcels with public water and/or sewer. This zone encompasses roughly 80 acres or 0.5% of Franklin. The Neighborhood Business Zone is located in Quakertown and Pittstown. The Neighborhood Business Zone encompasses approximately 100 acres or 0.6% of the Township. The Commercial-South Zone is located at the southern tip of the Township and is bisected by Route 12. This zone comprises roughly 180 acres or 1.2% of Franklin.

The Multi-Family Housing Zone is located in the northern portion of the Township and includes two parcels that total roughly 10 acres. The Rural Residential (hereinafter "RR-5.0") Zone is the second largest zone within Franklin. It covers over 3,200 acres or 21.7% of the community. Last, but not least, is the AR-7.0 Zone. This zone is the largest zone within the Township. It encompasses more than 11,200 acres or 75.8% of Franklin.

Additionally, there is one overlay zone in the Township. The Mixed-Use Development Overlay hovers above a portion of the Commercial-North Zone and was adopted in 2018 to address a portion of the Township's affordable housing obligation.

MASTER PLAN GOALS

The 2006 Reexamination Report reiterated the goals from the 1995 Master Plan that was amended in May of 1997. The goals were as follows:

General

- To protect the health, safety, and general welfare of all Township residents.
- To maintain or improve the Township's existing quality of life for inheritance by future generations.



Agriculture

- To retain significant masses of agricultural land in order to: contribute to the continuing economic viability of the agricultural export industry of the Township, Hunterdon County, and New Jersey; provide regional and statewide consumers with access to locally grown sources of horticultural, fiber, and fresh food products; and, as an alternative to the urban and suburban development found throughout much of the state and some parts of Hunterdon County, offer the diversity of a small town and rural lifestyle that accompanies large areas dominated by agricultural use.
- To allow, protect, encourage, and support opportunities for agricultural activities in areas where the soil and natural water capabilities can sustain and support such uses under acceptable management practices.
- To protect agricultural lands from development pressure by discouraging the location of growth-leading infrastructure, such as public water or sewer or major transportation improvements, near these lands.

Natural Resources

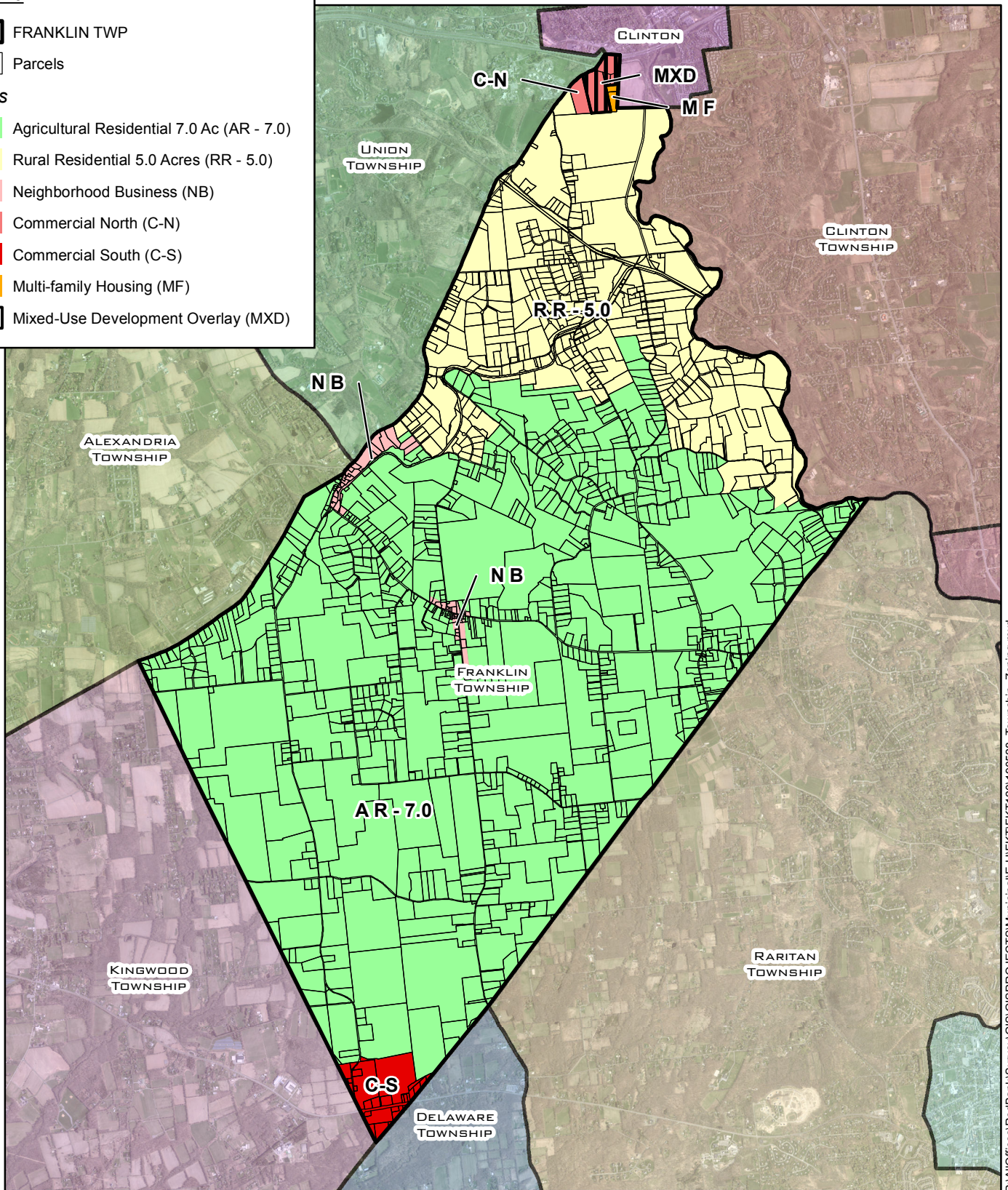
- To ensure safe and adequate water supply for all the Township's present and future residents.
- To protect aquifer recharge areas, steep slopes, stream corridors, flood plains, wetlands, woodlands, and critical areas of wildlife habitat from an incompatible intensity and design of development.
- To protect streams and groundwater from contamination by septic systems.


Legend

-  FRANKLIN TWP
-  Parcels

Zones

-  Agricultural Residential 7.0 Ac (AR - 7.0)
-  Rural Residential 5.0 Acres (RR - 5.0)
-  Neighborhood Business (NB)
-  Commercial North (C-N)
-  Commercial South (C-S)
-  Multi-family Housing (MF)
-  Mixed-Use Development Overlay (MXD)



0 3,000 6,000
 Feet
 1 inch = 6,000 feet

ZONING MAP
 TOWNSHIP OF FRANKLIN
 HUNTERDON COUNTY, NEW JERSEY


 MAY 2019

- To protect streams and groundwater from contamination by point and nonpoint sources of pollution.
- To prevent conflicts about water supply among all land uses and all residents.

Historic Preservation

- To identify, locate, designate, and encourage the preservation and maintenance of Franklin Township's historic districts and most important historic sites.
- To maintain the historic character of Franklin Township's neighborhood business resources while encouraging their development as neighborhood business and cultural assets.
- To maintain the historic character of Franklin Township's historic residential resources while encouraging their development as residential communities.
- To encourage the maintenance of characteristics on the landscape that contribute to the rural and historic character of Franklin Township.
- To improve the economic environment of Franklin Township by encouraging the restoration and/or adaptive reuse of historic buildings.
- To foster local interest in and support for historic and archeological resources.
- To encourage local incentive programs to provide assistance in the preservation of historic resources.
- To integrate historic preservation review criteria and data into local planning and development process as an advisory comment.

Quality of Life

- To retain the rural character of the Township; the prevalence of agricultural activity as the dominant land use; low density nonagricultural residential and commercial development; scenic, rural vistas; and the distinctive, discrete character of the existing villages.
- To encourage neighboring municipalities to adopt goals, policies, and ordinances that are compatible with, and supportive of, the development and zoning along the boundaries shared with Franklin Township.
- To encourage landscaping of new developments as a means of ameliorating the negative visual functional conflicts associated with new development in a rural setting.

Recreation

- To develop and expand existing recreational facilities.

Housing

- To implement a variety of policies that provide access to affordable housing for low and moderate-income households.

Community Facilities

- To ensure that new development proposals are compatible with the Township's plans and fiscal capacity to provide essential community facilities and services, such as schools.
- To ensure that new development includes the on-tract and/or off-tract drainage and road system improvements necessary to guarantee that the visual character and integrity of the existing land use of the area surrounding the site remains substantially unaffected by its development.

Township of Franklin

Fire Protection

- To ensure that new development meets design and other requirements that allow the fire companies to provide an acceptable level of fire protection.

On-site/Off-site Improvements

- To require developers to provide on-tract and off-tract improvements - such as water run-off and erosion control, roads, landscaping, and buffering - necessary to ensure that the area surrounding the site is minimally affected by its development.

Energy

- To promote the recovery and reuse of recyclable materials.

Circulation

- To maintain the rural character of the roads throughout the Township while assuring that necessary road improvements are made as land within the Township is developed.

The Planning Board has reviewed the above goals and recommends the goals for Housing and Recreation be replaced with the following goals as noted below:

Housing

- Focus and limit inclusionary housing developments to areas where existing public water and sewer are located.

Recreation

- Encourage the development and expansion of recreational programs and facilities. Where possible, these efforts should focus on complimenting and/or enhancing existing facilities

The 1995 Master Plan and subsequent master plan documents do not contain a category for land use. Land use goals should guide the zoning ordinance and the policy decisions of both the Planning Board and Zoning Board (which is a combined Land Use Board in Franklin). The category of Land Use should be added to the list of Master Plan goals. The following goals are hereby established for land use within Franklin Township:

Land Use

- Achieve a desirable balance of residential, open space, recreational, and non-residential uses.
- Provide adequate and convenient commercial development compatible with the character and resources of the community by providing for appropriate commercial development within the Township's villages.
- Retain and protect water quality and environmental resources by discouraging development that is detrimental to these assets.
- Encourage and direct economic development to the Commercial-North, Commercial-South, and Neighborhood Business Zones.
- Expand the permitted uses within the villages of Cherryville, Pittstown, and Quakertown to allow for adaptive reuse of the existing historic structures.

- Preserve and enhance the architectural and historical integrity of the villages of Pittstown, Quakertown, and Cherryville.

ECONOMIC DEVELOPMENT

In July of 2018 the Township Committee and Planning Board held a joint meeting to discuss the economic state of the community. The Township Committee asked the Planning Board to review Chapter 220, Land Use, and determine if there are any burdensome ordinance regulations or requirements that deter potential investment and economic development in the Township.

Following that meeting, the Township Planner issued a three-page memorandum in September of 2018 that covered the topics of bulk requirements, permitted uses, and parking standards. The Land Use Board has reviewed the memorandum and desires to make changes to the definitions, permitted uses, bulk standards, and parking requirement sections of the code, which are outlined in the following sections.

DEFINITIONS

Restaurants are defined in Franklin's code as places "designed to serve food and beverages on the premises for consumption within the restaurant. It is not an establishment designed for or used for the supply of food and beverages for immediate consumption outside the building in which the restaurant is located, is not an establishment of the service of food and beverages to persons who can purchase the same without physically entering the main structure of the establishment and is not for the sale of prepared or rapidly prepared food in or on disposable plates or cups or other non-dish/china materials in a ready-to-consume state for consumption either within the restaurant building or off premises."

The above definition prohibits places like sandwich shops, coffee shops, bakeries, and the like. The following new definitions are recommended to be added to Section 220-5 of the Land Use Ordinance:

BAKERY – An establishment that produces and sells baked goods, such as bread, cookies, cakes, pies and the like. The establishment may also serve beverages to customers who wish to consume the baked goods on the premises. There shall be no more than five tables.

COFFEE SHOP – An establishment that sells coffee, tea, and other beverages. A coffee shop may also serve baked goods and dessert-type fare. No goods are sold to customers from a drive-up or drive-through window.

DELICATESSEN – An establishment selling cold cuts, cheeses and a variety of salads, as well as selection of prepared foods and other related items sold in varying quantities for consumption primarily off-premises. However, there may be on-site consumption of food as an accessory use. A delicatessen may also be referred to as a sandwich shop.

EATERY – An establishment that serves food and beverages on the premises for consumption within the restaurant or at outdoor tables. It is not an establishment where food and beverages can be purchased without physically entering the main structure of the establishment.

FAST FOOD RESTAURANT – An establishment that sells pre-prepared or rapidly prepared wrapped food directly to the customer at a counter in bags or on trays for consumption on or off the premises, with or without table seating and with or without a drive-through window.

Township of Franklin

Once these definitions are added to the code, the uses can be added to the appropriate zones as either permitted uses or prohibited uses.

Retail is not currently defined in the code. Therefore, it is unclear if retail services are permitted. The following definition should be added to Section 220-5 of the Land Use Ordinance:

RETAIL – An establishment engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Medical offices are not specifically permitted in the Ordinance. However, offices and medical offices have separate parking standards, but neither offices nor medical offices are defined. Therefore, the following new definitions are recommended to be added to Section 220-5 of the Land Use Ordinance:

MEDICAL OFFICE - The office of a licensed medical or health care practitioner providing health care services to a person for the purpose of maintaining or restoring a person's physical or mental health. The term "licensed" is defined in the New Jersey Administrative Code.

OFFICE – A room or group of rooms used for conducting the affairs of a business, profession, services, industry, or government and generally furnished with desks, tables, files, and communication equipment.

The Commercial-South Zone permits warehouses and mini warehouses, but the Ordinance does not define either use. Therefore, the following new definitions are recommended to be added to Section 220-5 of the Land Use Ordinance:

WAREHOUSE– A building used primarily for the storage of goods and materials and available to the general public for a fee.

MINI-WAREHOUSE – A self-storage facility for residential storage.

The Ordinance lacks definitions for personal services and child care. These uses are beneficial for residents and should be permitted in the commercial zones. Therefore, the following new definitions are recommended to be added to Section 220-5 of the Land Use Ordinance:

PERSONAL SERVICE – Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. This includes salons, barbershops, domestic services, shoe repair, travel agencies, and the like.

CHILD CARE CENTER - Any facility which is maintained for the care, development or supervision of six or more children under six years of age who attend for less than 24 hours per day and which is licensed by the New Jersey Department of Human Services.

For many households in New Jersey, pets are treated just like children and sometimes are the “children”. For this reason, there has been a growing demand for dog daycare. Therefore, the following new definition is recommended to be added to Section 220-5 of the Land Use Ordinance:

DOG DAYCARE – A facility that provides short-term daytime care for dogs.

Finally, the Planning Board has expressed concern with the Township's current definition of school and wish to better define the use. The Board should review other towns' definitions of school and prepare a more defined definition. One possible definition is as follows:

SCHOOL – Any building which is designed, constructed, or used primarily for educational purposes, including core components such as math, history, and English, for students grade pre-K through 12. Uses wherein instruction is given to individuals or groups in a building used principally for other purposes are not schools. Colleges, universities, technical training facilities, and the like are not schools.

PERMITTED USES

In an effort to ensure existing storefronts are occupied and spur new economic development within the Commercial-North, Commercial-South, and Neighborhood Business Zones, the following recommendations are made:

1. The Commercial-North and Commercial-South Zone should be amended to permit medical offices and offices as a permitted use.
2. Bakery, coffee shop, delicatessen, and eatery should be added as a permitted principal use in the Commercial-North, Commercial-South, and Neighborhood Business Zone. Fast food restaurants should be specifically prohibited in the same three zones.
3. Medical offices should be added as a permitted use in the Neighborhood Business Zone.
4. Personal service should be added as a permitted use in the Commercial-North, Commercial-South, and Neighborhood Business Zone. However, each zone should specifically prohibit dry cleaners.
5. The Neighborhood Business, Commercial-North, and Commercial-South Zone should be clarified to prohibit gas stations. A potential definition could be "any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels." Additionally, to avoid confusion, service station should be defined. A potential definition could be "any building, land area, or other premises used for the servicing and repair of vehicles; which may include the sale and installation of lubricants, tires, batteries, and similar vehicle accessories."
6. Dog daycare should be permitted as a conditional use in the Commercial-North and Commercial-South Zone. Conditions could include a mandatory outdoor area, a restriction on overnight boarding, and a limitation on the total number of dogs permitted in the facility.
7. Under the Municipal Land Use Law (hereinafter "MLUL"), a child care center is a permitted use in all non-residential zones. This must be added as a permitted use in the Commercial-North, Commercial-South, and Neighborhood Business Zone.

BULK STANDARDS

The Land Use Board makes the following recommendations related to bulk standards:

Township of Franklin

1. The FAR standards are listed as a percentage, this is incorrect. They should be listed as a number. For example, the Commercial North Zone has a FAR of 5%. This is one of the more intensive development zones within the Township. If a site contains the required minimum seven acres, roughly 40% to 50% of the site would be covered with buildings. Assuming the structures are all one story and they cover 40% of the site, the FAR would be 0.4. The Ordinance should be revised to correct this error and consider multi-story structures.
2. The Neighborhood Business Zone has a minimum lot area of seven acres. There is a caveat for pre-existing lots of record, allowing for 0.5-acre parcels. This type of zone is generally a compact area where communities want to funnel development. Seven-acre zoning does not enable this type of atmosphere. It is recommended that the minimum lot area for all parcels be reduced. The Master Plan Reexamination Sub-Committee recommends that the seven-acre requirement be reduced to two acres.

PARKING REQUIREMENTS

Requiring developers to build more parking than is necessary for a development may deter potential investment within the Township or discourage a property owner from expanding the number of uses on a large parcel because they know the additional uses will trigger a parking variance. The Land Use Board makes the following suggestions to eliminate burdensome parking regulations:

1. The Ordinance requires five parking spaces for each two multi-family units. By comparison, however, two spaces are required for a one-family dwelling. Multi-family housing often has a lower per capita car ownership rate, so this number seems high. Because multi-family units can vary widely in bedroom count (studio versus three- or even four-bedroom), it is preferable to base the number of parking spaces on the Residential Site Improvement Standards (hereinafter "RSIS"). Therefore, the Ordinance should be amended to require multi-family units to provide parking based on the RSIS.
2. Administrative, executive, professional, and other business offices are required to provide one space for each 200 square feet of gross floor area. The Ordinance should be amended to one space per 300 square feet, which is a common standard.
3. Warehouse and storage buildings are required to provide one space for each 1,000 square feet of floor area. This is a high ratio. The Ordinance should be amended to one space per 3,000 or more square feet.
4. Retail uses are required to provide one space for each 180 square feet of floor area. This is an extremely high ratio. The Ordinance should be amended to one space per 200 square feet of floor area for shopping centers and big box stores and one space per 250 square feet for all other retail uses. A potential definition for shopping center is "a group of commercial establishments planned, constructed, and managed as a total entity". A potential definition for big box store is "a retail store, usually part of a chain of stores, encompassing 10,000 square feet or more".
5. The Ordinance does not recognize the ability of multi-tenant or multi-user sites to share parking spaces. The Township should amend the code to permit multi-tenant and multi-user sites to share parking when two uses can be shown to have differing off-peak hours (for example, residential and office). One example of a shared parking ordinance is provided below:

A 50% shared parking allowance shall be permitted for combining weekday uses with evening/weekend uses in the same building. Office and retail uses are considered to be weekday uses, while residential and

restaurant uses are considered to be evening/weekend uses. 50% of the parking requirement of the evening/weekend use of the building may be met through parking already provided for the weekday use. For example, a building contains office space that requires 20 parking spaces and residential units that require 8 parking spaces. The residential parking is permitted to be reduced by 50% or 4 parking spaces. Therefore, the development would only be required to construct 24 parking spaces instead of 28.

6. As new uses are recommended to be added to the code, these uses need parking standards. The following parking standards are recommended:
 - Bakery – one space for each 50 square feet of patron area, plus one space for each two employees during the peak shift
 - Child care center – one space for each 300 square feet of building floor area
 - Coffee shop - one space for each two seating accommodations, plus one space for each two employees during the peak shift
 - Delicatessen – one space for each two seating accommodations or one space for each 40 square feet of floor area devoted to patron dining use, whichever yields the greatest number of spaces, plus one space for each two employees during the peak shift
 - Eatery – one space for each three seating accommodations, plus one space for each two employees during the peak shift
 - Mini warehouse – one space for each 50 storage units, plus one space for each 300 square feet of office space
 - Personal service – one space for each 250 square feet of building floor area

LAND USE REVIEW

As part of the Master Plan Reexamination process, the Township Planner performed a cursory review of the zoning regulations. The assessment was conducted with an eye towards new technologies and land uses. This review also included an analysis of Chapter 220, Land Use, for potential inconsistencies, outdated terms, etc. The review resulted in a memorandum dated February 4, 2019, which was divided into several sections. The Land Use Board has reviewed the memorandum and makes the following recommendations:

AFFORDABLE HOUSING

Throughout Chapter 220 are outdated references and standards with regard to affordable housing. The following changes are recommended:

1. 220-5 Definitions. This section contains definitions such as “Housing Administrator” that are incorrect or no longer valid. The definitions should be reviewed, and any outdated or invalid terms should be deleted.
2. 220-10.A AR-7.0 and RR-5.0. These two zones permit as a principal use “affordable housing as required by the Fair Housing Act”. This is not a requirement of the affordable housing settlement, executed on August 2, 2018. The use should be deleted.

Township of Franklin

3. 220.24 ECHO housing. This section of the code permits a small second house on a property for relatives of the owners. Under the Prior Round Council on Affordable Housing rules the Township could receive a credit for an ECHO unit against their Rehabilitation obligation. However, Franklin no longer has a Rehabilitation Obligation. The text within Section 220-24 should be deleted and the section marked as “reserved”.
4. 220-87 through 95 Affordable housing based on growth share. These sections contain standards related to the growth share methodology, which was invalidated by the State Supreme Court. This language should be deleted, and the sections marked as “reserved”.

BULK REQUIREMENTS

The bulk requirements for the zones can be found in Attachment 1 to the Land Use Ordinance (Chapter 220). The schedule of zone requirements has not yet been updated to reflect the new zones adopted as a result of the affordable housing litigation. The table shall be codified to ensure these new zones are reflected in the table.

SIGNAGE

Article IX provides the standards for signage within the Township. Article IX does not explicitly permit or prohibit digital or electronic signs. The Township may want to consider permitting signs, such as “open”, to be electronic. The Ordinance could be updated to clearly indicate these types of signs can be electronic and place a cap on the size of said sign.

FUTURE LAND USES

1. Marijuana. The State of New Jersey legalized medical marijuana in 2010. As of June 3, 2019, there are six dispensaries within the State, with six additional sites applying for permits to open new dispensaries. There are over 47,000 patients in the program. The State also announced this month that it is seeking new sites for cultivation, manufacturing, and dispensary. The Township of Franklin has not yet formed an opinion on whether or not it wants to allow cultivation, manufacturing, and/or sales of medical marijuana. However, the community wishes to further explore the pros and cons of permitting this type of land use within the Township.
2. Airbnb. Some communities in New Jersey are receiving complaints from residents regarding adjacent property owners renting their home on internet websites, such as Airbnb. Typical complaints include noise, excess parking, large group gatherings, etc. Franklin has not received such objections and does not believe the rental of homes on internet sites is an issue at the present. (As of June 3, 2019, there only appears to be one property listed within Franklin on www.airbnb.com.)
3. Wind facilities. In 2010 the State Legislature amended the MLUL definition of inherently beneficial uses to include wind, solar or photovoltaic energy facilities or structures. The MLUL definition is as follows:

“Wind, solar or photovoltaic energy facility or structure” means a facility or structure for the purpose of supplying electrical energy produced from wind, solar, or photovoltaic technologies, whether such facility or structure is a principal use, a part of the principal use, or an accessory use or structure.

Presently wind facilities are not a permitted principal or accessory use within the Township. The Master Plan Reexamination Sub-Committee recommends that wind facilities be permitted as a conditional accessory use in the AR-7.0 Zone. Conditions should include, but not be limited to, a minimum lot area of 20 acres and a minimum set back distance of 150% the system height from all property lines. Also, a maximum height and a maximum dBA at the property line should be established.

4. Live-work units. The Township permits home occupations in the AR-7.0, RR-5.0, and the Neighborhood Business Zone. The occupation can be in the principal or accessory structure. The definition of home occupation limits signage to four square feet and employees include the residents and a maximum of two non-residential employees. In an effort to expand economic opportunities within the Township and appropriately locate new uses within the Township, Franklin should consider permitting live-work units as a conditional use along all County Roads and within the Neighborhood Business Zone. A potential definition could be as follows: a residential unit that contains space in which to conduct a business or trade. Potential conditions could include the following:
 - The non-residential use shall comprise no more than 45% of the total principal structure's square footage.
 - The building shall be owner-occupied.
 - There shall be a maximum of five non-resident employees.
 - A maximum of one ground sign for the non-residential use is permitted. Said ground sign shall be a maximum of five feet tall and a maximum of 15 square feet in area. Said sign shall be located at least 15 feet from a property line.
 - Parking shall be provided in accordance with RSIS for the residential use and in accordance with Section 220-52 for the non-residential use.
 - The non-residential use may include retail, personal service, office or medical office.

REZONING

The 2006 Reexamination Report recommended that the area of the Commercial-South Zone be reduced to primarily, only include the frontage of properties which will have the most success in attracting business uses due to their visibility. The remaining land would recommended to be rezoned to 7.0 Agricultural Residential District. However, the Township never enacted this recommendation. The Planning Board has evaluated this recommendation and they do not wish to reduce the size of the Commercial-South Zone. Instead the Zone should remain as currently illustrated on the zoning map.

Cherryville is one of the historic villages within Franklin Township. It is located at the intersection of County Route 617 (Cherryville Road) and County Route 616 (Quakertown Road). Cherryville is currently zoned AR-7.0, which does not reflect the small lot pattern of the village. Furthermore, being at the intersection of two County roads means there is a steady stream of traffic through the village. The Township should consider rezoning Cherryville to the Neighborhood Business Zone or creating a new village zone to reflect the developed character of the village and allow for limited non-residential uses. If Cherryville is rezoned to the Neighborhood Business Zone, it should have a minimum lot area of two acres. The map on page 28 shows the area proposed for rezoning to Neighborhood Business or a new village zone. Moreover, architectural standards should be crafted to guide development and redevelopment within Cherryville to maintain its historic character.

Township of Franklin

The village of Quakertown is centered on the intersection of Quakertown Road and Croton Road (both County roads). A portion of Quakertown is located in the Neighborhood Business Zone. The remainder of the historic hamlet is located in the AR-7.0 Zone. It is unclear why the boundary was drawn to exclude one side of Quakertown Road headed west (towards Pittstown). The lots on the south side of the street are small in nature like the lots on the north side of the road. Additionally, there are lots on the south side of Quakertown Road headed east that have been excluded from the Neighborhood Business Zone and are in the AR-7.0 Zone. Finally, there is one lot, which is an existing automotive garage/repair facility that has been excluded as one heads south on Croton Road. It is unclear why the boundary was stopped short of this existing commercial establishment. The Township should consider changing the zoning from AR-7.0 on the lots outlined in green dashes on page 29 to Neighborhood Business, which reflects the small lot pattern and provides property owners with more use options, especially as all these lots are located along County roads, which have more traffic than local roads.

USE VARIANCE ACTIVITY

In an effort to determine if there are any issues with the ordinance, the year-end reports of the Zoning Board of Adjustment were reviewed for 2009 to 2018. This ten-year review provides a snapshot of the types of applications filed before Franklin's Land Use Board (a joint board) and what relief the Board granted. This review assists in determining if there are any patterns or planning issues. We found one theme in the year-end reports.

According to the year-end reports, there appear to have been at least three applications for solar facilities. At least one was a ground-mounted facility. All three applications were use variances as solar facilities are not mentioned in the Land Use Ordinance as a permitted principal or accessory use. In 2010 the State Legislature amended the MLUL definition of inherently beneficial uses to include wind, solar or photovoltaic energy facilities or structures. The MLUL definition is as follows:

"Wind, solar or photovoltaic energy facility or structure" means a facility or structure for the purpose of supplying electrical energy produced from wind, solar, or photovoltaic technologies, whether such facility or structure is a principal use, a part of the principal use, or an accessory use or structure.



The Township should consider amending Chapter 220 to permit solar panels as an accessory use when installed on any roof in any zone. The Township should also consider permitting ground arrays as a conditional accessory use in the AR-7.0 Zone. Conditions could include, but not be limited to, a minimum lot size of seven acres, setbacks equivalent to the setbacks required for the principal structure, a maximum height of 15 feet, located in the rear yard area, and screening standards.


The Township should consider conditionally permitting a commercial solar facility, which is the principal use on a parcel, in non-residential zones on lots of at least ten acres and in residential zones on lots of at least 40 acres.

Specific setbacks should be established, along with a maximum structure height. Screening standards should be specified as well.



Legend

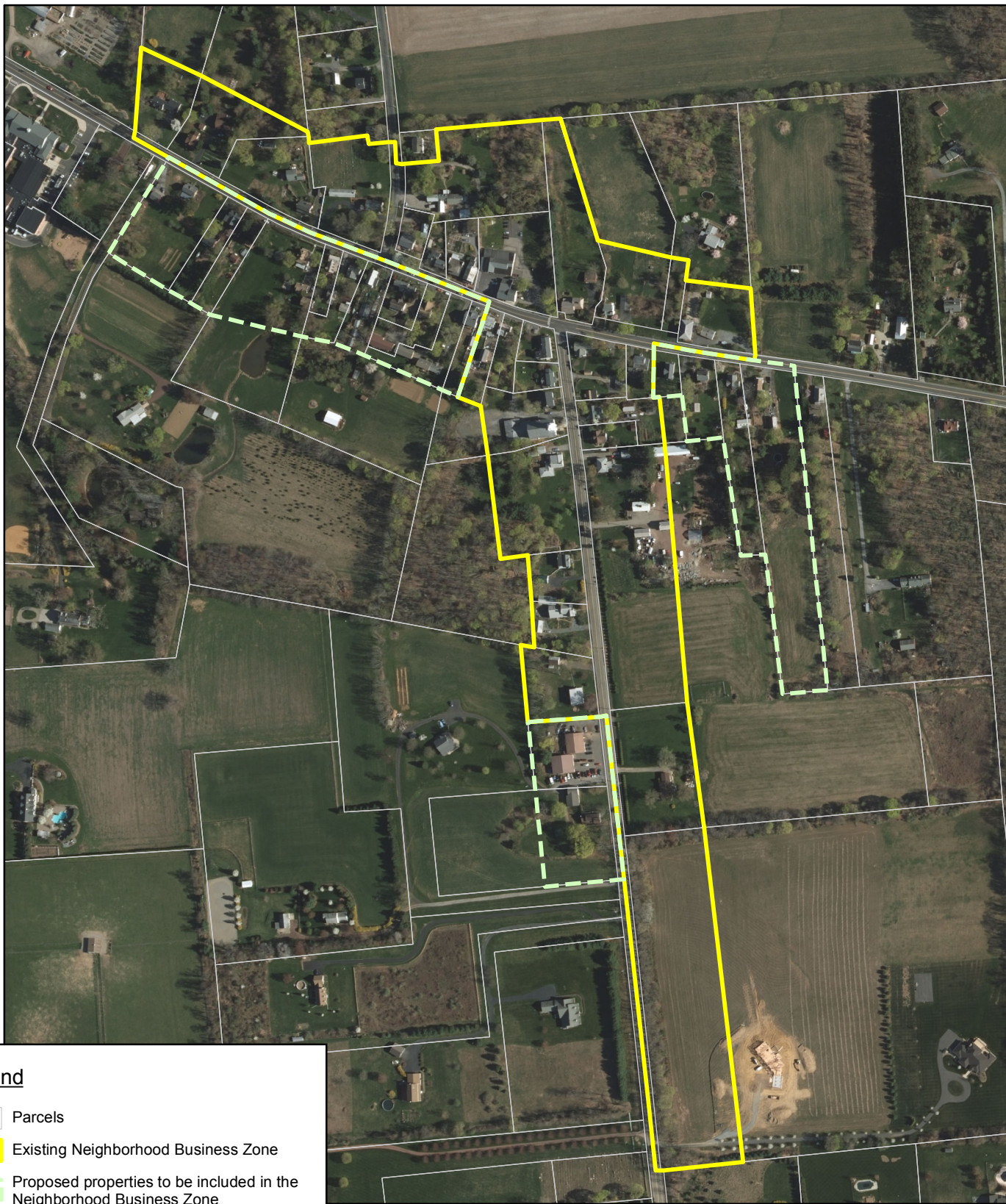
-  Parcels
-  Potential Rezoning Cherryville

0 125 250
 Feet
1 inch = 250 feet




**POTENTIAL REZONING:
CHERRYVILLE**
TOWNSHIP OF FRANKLIN
HUNTERDON COUNTY, NEW JERSEY




SEPTEMBER 2019



Legend

-  Parcels
-  Existing Neighborhood Business Zone
-  Proposed properties to be included in the Neighborhood Business Zone

0 200 400
 Feet
1 inch = 400 feet

**FUTURE NEIGHBORHOOD
BUSINESS ZONE**
TOWNSHIP OF FRANKLIN
HUNTERDON COUNTY, NEW JERSEY



SEPTEMBER 2019

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OPEN SPACE AND RECREATION PLAN ELEMENT

The overarching goal of the Open Space and Recreation Plan is to protect one-third of the Township's available land, including targeting three properties totaling 309 acres for open space preservation. Therefore, the Township's goal was to preserve 33% of the Township's land area. Today, approximately 25% of the Township is preserved. The Township has shifted its thinking and 33% preservation is no longer the target.

The 2014 Open Space Plan contained several action items. Two of those relate to zoning. The first recommendation was to implement a woodland conservation standard as part of the zoning regulations to restrict the unnecessary removal of trees, and to encourage homeowners to landscape with native plants. The second recommendation was to place overlay districts on certain areas to protect and preserve the environmental stability, aesthetic character, and the extraordinary view of Franklin's ridge lines. The zoning was to be designed to maintain forest cover by preventing logging or prescribing less visually-impacting harvest methods on hillsides, and by preventing new utility rights-of-way or designing them to reduce their visual impact.

A review of Chapter 220 reveals that neither of these recommendations have been implemented. The Planning Board believes that both these actions are still valid, and ordinances should be drafted to address each issue.

VI. RECOMMENDATIONS CONCERNING THE INCORPORATION OF REDEVELOPMENT PLANS

This section contains recommendations of the Planning Board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law", P.L. 1992, c.79 (C.40A:12A-1 et seq.) into the land use plan element of the municipal Master Plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

The Township of Franklin has no recommendations for potential areas in need of redevelopment.

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¹ [https://www.njtpa.org/planning/plan-2045-\(1\)/demographic-appendix.aspx](https://www.njtpa.org/planning/plan-2045-(1)/demographic-appendix.aspx)

² https://nj.gov/state/planning/final-plan/final_spp_november%208_pub.pdf, page 7, accessed March 27, 2019.

³ https://nj.gov/state/planning/final-plan/final_spp_november%208_pub.pdf, page 8-9, accessed March 27, 2019.

⁴ Note that this total includes a 35.17 acre preserved farm located in Franklin and Raritan Townships.

⁵ http://www.franklin-twp.org/notices/OSRP_Final_Draft_8-14-14.pdf, page 3, accessed March 27, 2019.