

# Franklin Township

Somerset County, New Jersey



DEPARTMENT OF COMMUNITY DEVELOPMENT  
Division of Planning & Zoning  
Zoning Office – Planning Board – Zoning Board of Adjustment

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## MEMORANDUM

To: Planning Board

From: Mark Healey, PP, AICP  
Director of Planning

Date: May 22, 2008

RE: Master Plan Amendment – Open Space Zone

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At the Board's June 25, 2007 Worksession, the Board decided to move forward on the Master Plan amendments outlined below regarding the creation of a new parks and open space zone. The matter has not been scheduled for hearing and formal adoption by the Planning Board. This memorandum is reissued to the Board (with some modifications) for its consideration of whether to place it on a regular meeting agenda for hearing and adoption. As recommended by the Planning Board, this Master Plan amendment and the proposed draft ordinance has been prepared in consultation with the Agricultural Advisory Committee.

### **Additional Land Use Recommendations**

The "Additional Land Use Recommendations" portion of the Land Use Plan Element would be amended to add the following recommendation:

### **Parks/ Open Space/ Agricultural Zone**

As reflected on the attached map entitled "Township of Franklin - 2008 Preserved Land,"<sup>1</sup> a significant portion (approximately 28.5%) of the Township's land area has been preserved as park or open space lands by the State, County or Township. The majority of such preserved lands are comprised of State-owned lands, namely the Six Mile Run area, the Delaware and Raritan Canal State Park and Hutcheson Memorial Forest. State-owned preserved land totals 4,701 acres. Another 1,021 acres is comprised of County-owned open space. Finally, a significant portion of the preserved land results from the Township's open space preservation program which has resulted in the preservation of 2,266 acres within the Township. Most of these lands are open

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<sup>1</sup> Produced April 2008 by Loos Consulting and Civil Solutions.

to the general public for active and/or passive recreation or for general open space purposes, while the Hutcheson Memorial Forest has been preserved for research purposes. In addition, other lands are leased to farmers and put to agricultural use.

The lands identified within the following categories on the attached “Township of Franklin - 2008 Preserved Land” map should be placed within a new “Parks/Open Space/Agricultural” designation on the Land Use Plan map in the Master Plan and within a new “Parks/Open Space/Agricultural” zoning district on the Township Zoning Map:

- “Township-owned, Preserved;”
- “County-owned, Preserved;” and
- “State-owned, Preserved.”

However, smaller (e.g., under 40 acres) isolated open space lands should retain their existing zoning designations. The exclusion of such smaller, isolated open space lands from the “Parks/Open Space/Agricultural” district is suggested for the purpose of map readability only and does not in any way reflect a change in the intent to preserve such lands in perpetuity.

The placement of these preserved properties within the “Parks/Open Space/Agricultural” designation on the Land Use Plan map within the Master Plan and within a new “Parks/Open Space/Agricultural” zoning district on the Township Zoning Map would accomplish the following:

- The proposed “Parks/Open Space/Agricultural” designation would reflect the existing, preserved condition of these lands.
- The proposed “Parks/Open Space/Agricultural” designation would reflect the intent of the Township, County and State regarding the future disposition of these lands as evidenced by their preserved status – i.e., that they remain as open space in perpetuity. It is the Township’s specific intent that these lands remain open space and not be developed in the manner for which they are presently zoned (i.e., single-family residential development at varying densities).

The Six Mile Run area should be placed within the “Parks/Open Space/Agricultural” designation on the Land Use Plan map in the Master Plan and within a new “Parks/Open Space/Agricultural” zoning district on the Township Zoning Map. Although these lands were acquired by the state in the 1970s as a site for a potential reservoir, this reservoir has never materialized. Its planned function for pumped

storage of Delaware & Raritan Canal water is now expected to be carried out by the Trap Rock Quarry when quarrying ceases.

Functionally, the Six Mile Run area is undeveloped (and undevelopable) open space which provides passive recreation opportunities, with portions put to agricultural use by tenant farmers. Since 1989, the Six Mile Run area has been managed by the Division of Parks and Forestry of the NJDEP as an adjunct to the D&R Canal State Park.

The Six Mile Run area serves as an important keystone in the Township's significant open space preservation efforts - a key component of the Township's open space efforts has been the acquisition of lands that abut and/or provide connections to Six Mile Run. The Six Mile Run area also plays a significant role in the Township's recently prepared Pathways and Trails Plan.

In addition, a number of documents demonstrate a clear acknowledgement by the State of Six Mile Run's value as an open space, passive recreational and agricultural resource.

- *A Memorandum of Understanding (MOU) between the Division of Water Resources and the Division of Parks and Forestry which transferred administration of the Six Mile Run area from the Division of Water Resources to the Division of Parks and Forestry.* This MOU, dated December 1989, clearly indicates the State's intent to operate the Six Mile Run area as a passive recreational resource until such time that it may be needed for water supply purposes. Further, it states that if all or a portion of the area is transferred to the New Jersey Water Supply Authority for the purpose of constructing a water supply facility that DEP will negotiate a MOU with the New Jersey Water Supply Authority such that the upland portions of the site will *continue* to be reserved for recreational and other State purposes.
- *Relevant portions of the NJ Water Supply Management Act that specifically address the use of the Six Mile Run area.* The Act was amended by Assembly Bill (adopted December 15, 2003) to specifically address the future use of Six Mile Run. C.58:1A-13.b(6) was added to specifically require that the Statewide Water Supply Plan identify use of the Six Mile Run area and other unused water supply lands. The use of the Six Mile Run area is specifically called out. C.58:1A-13.1, *Maintenance of State-owned lands in the Six Mile Run Reservoir Site and other unused lands*, makes it clear that the Six Mile Run area is to be used for open space, passive recreational and agricultural purposes until such time that is to be used for water supply purposes.

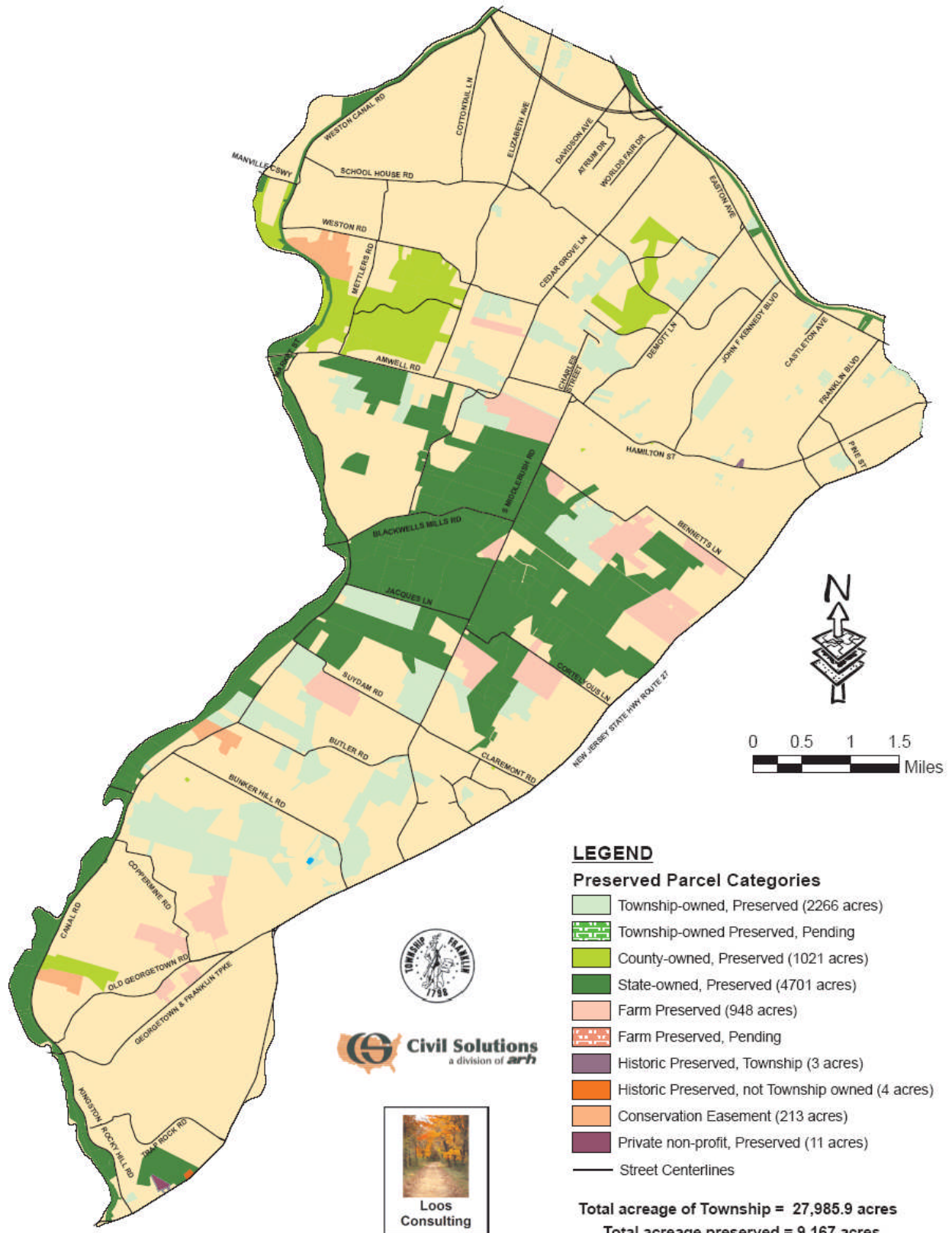
The above-referenced documents demonstrate the State's clear intent to operate the Six Mile Run area as an open space, passive recreational and agricultural resource for the foreseeable future. In the very unlikely event that a water supply facility is ever built, the 1989 MOU indicates the State's intent to *continue* to operate the upland portions of the site as open space.

Finally, in consideration of the above, the Office of Smart Growth is considering the recommendation from Franklin Township and Somerset County that the Six Mile Run area be placed within the "Park and Natural Areas" Planning Area on the State Plan Policy Map. Initial indications are that the Office of Smart Growth agrees with this recommendation and will recommend this change to the State Planning Commission.

Only those areas currently in public ownership should be added to this new zone. In the future, lands should be added to this zone *only after* they have been placed under public ownership for open space purposes. This district should not be used as a tool to zone privately-owned land into inutility. The specific intent of this district should be specified in the zoning ordinance.

The zone should be designed so as to permit open space and recreational uses. In addition, the zone should be crafted so as not to affect the ability of the State, County or Township to lease land to tenant farmers or to in any way change farmers' current rights to farm these lands. However, private development of these lands for residential, commercial, industrial or other such uses should be expressly prohibited.

# Township of Franklin - 2008 Preserved Land



Map produced: April 2008

# Franklin Township

Somerset County, New Jersey



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## MEMORANDUM

To: Planning Board

From: Mark Healey, PP, AICP  
Director of Planning

Date: June 26, 2008

RE: Master Plan Amendments (Spring 2008)

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In December 2007, by actions of the Planning Board and Township Council, the "Housing Plan Element and Cycle III Fair Share Compliance Plan" (the "Housing Plan") was amended to eliminate the "Bennett's/ Veronica" project. The reasons for the elimination of the "Bennett's/ Veronica" project from the Housing Plan were outlined in the adopting resolutions of the Planning Board and Township Council as well as within the amending document (dated December 6, 2007). In addition, the Board recently determined to eliminate the "West Point Avenue" site since the minimal net COAH benefit from that project would not warrant the significant increase in density proposed.

This memorandum outlines the proposed Master Plan amendments. Specifically, the Master Plan would be amended to:

- o Make the Land Use Plan Element consistent with the December 2007 amendment to the Housing Plan which eliminated the "Bennett's/ Veronica" project.
- o Make the Land Use Plan Element consistent with the Board's determination to eliminate the "West Point Avenue" site.
- o Amend the Land Use Plan Element to place additional properties in the easterly portion of Bennetts Lane within the A (Agricultural) designation on the Land Use Plan map.

### **Sector Three - Existing Zoning, SDRP Designations and Proposed Development**

Page 10 of the Land Use Plan Element would be amended as follows to delete reference to the "Bennett's/ Veronica" project and the "West Point Avenue" site.

This area is located in primarily in State Planning Area 1, the Metropolitan Planning Area, which is consistent with the current development of the area. The areas roughly between Churchill Avenue and Bennett's Lane are located in the Suburban Planning Area (PA2). This designation does coincide with the larger lot sizes in this area. ~~There are two affordable housing sites comprising the Affordable Housing zones located in Sector 3. A small portion of the affordable housing site located between Bennett's Lane and Veronica Avenue is located in Planning Area 3 (PA3).~~

### **Sector Three - Land Use Recommendations #6 and #7**

Land Use Recommendation #6 and #7 pertaining to Sector 3, on page 13 of the Land Use Plan Element of the Master Plan, would be deleted as follows to delete reference to these projects.

~~6. **Bennett's Lane – Veronica Avenue Property (Block 88.02, Lots 13, 19-20, 25-26, 71-72, 90, 92.02 and 93.01).** This property fronts on Route 27 and extends westward between Bennett's Lane and Veronica Avenue. The property's frontage is located in the O-P and GB Zones, and the rear of the property is zoned M-2 and R-40 along Bennett's Lane. Developers have approached the Township in the past regarding rezoning the property's frontage to General Business, and the Board has long grappled with whether the rear portion of the lot should retain its M-2 zoning in such close proximity to the residential uses along Bennett's Lane, and given the wetlands that traverse the property.~~

~~The Franklin Township Housing Plan Element and Fair Share Plan was approved by the Planning Board and endorsed by the Governing Council to include the Bennett's Lane – Veronica Avenue property as a site for affordable housing. At this time it is believed that the property's frontage is appropriate for General Business use, provided the developer of the property adequately addresses improvement of the Route 27/Bennett's Lane intersection to accommodate additional traffic volumes. The commercial portion of the site should not extend past the easternmost stream/wetlands area on the site. It is believed that the portion of the property currently zoned as M-2 and R-40 is suitable for the production of affordable housing pursuant to the adoption and endorsement of the Fair Share Plan. The residential development is envisioned to be in either cluster or townhouse form, due to its location in Planning Area 2 and its proximity to Route 27. Ultimately, the property should be rezoned per the Fair Share Plan. Land designated as Planning Area 3 of the State Development and Redevelopment Plan within the property should be preserved as open space. For the residential portion of the inclusionary site, access should be achieved via either Veronica Avenue or Route 27, and via Bennett's Lane for emergency purposes only. For the commercial portion of the inclusionary site, access should be achieved via either Veronica Avenue or Route 27, and not Bennett's Lane.~~

~~7. **West Point Avenue Site (Block 348, Lots 1-27, Block 349.02, Lots 86-113).** This site is located on West Point Avenue, which is a paper street, between Hamilton and Kuhn Street. The area is approximately 5.5 acres in area and is currently zoned R-15 (15,000 SF lots or 2.9 units per acre). The site is owned by the Township, and one private owner, who has proposed to develop the site for affordable housing. At this~~

time it is believed that the site is appropriate for the production of affordable housing, in either single family or townhouse form and that the property should be rezoned per the Housing Plan.

### **Land Use Element Appendix – Purposes of Zones**

The Land Use Element Appendix – Purpose of Zones, would be amended as follows to delete reference to these projects.

~~**Affordable Housing (AH-1) Zone:** To implement a project identified in the Franklin Township Housing Element and Fair Share Plan, thereby creating housing opportunities for low and moderate income households in a fashion consistent with the Plan.~~

~~**Affordable Housing (AH-2) Zone:** To implement a project identified in the Franklin Township Housing Element and Fair Share Plan, thereby creating housing opportunities for low and moderate income households in a fashion consistent with the Plan. The project is a combination of residential and non residential development (See Affordable Housing Plan map). The commercial component is intended to increase the Township's ratable base so that the combined net fiscal impact is relatively positive for both municipal purposes and public schools. The project will yield 11 units per gross acre of land located within the planned residential portion of AH 2. Taking into consideration the limitations imposed upon the inclusionary residential portion of the project by the most current Letter of Interpretation/Line Verification issued by the New Jersey Department of Environmental Protection, and by removing the areas designated by the State Development and Redevelopment Plan, State Plan Policy Map as being in Fringe Planning Area 3 that the project will yield a maximum of 15 units per net acre of developable land for the proposed 644 residential unit inclusionary project, and as further detailed in the Planning Board Resolution of February 1, 2006 approving the Housing Element and Fair Share Plan.~~

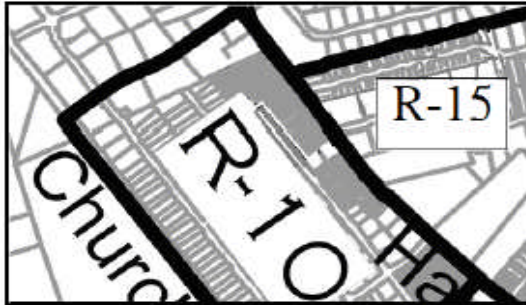
~~The commercial portion of the AH 2 is intended to provide for uses consistent with the General Business (GB) standards with additional restrictions that address permitted uses, setbacks and buffers. It is recommended that there be a more restricted list of permitted uses due to the mixed use nature of the project, and to soften the impacts on traffic. For example, high activity uses such as gas stations and convenience stores should be prohibited, and uses such as restaurants, home appliance stores, professional offices, and barber and beauty shops should be included as permitted uses. A maximum separation between commercial uses and existing residential uses should be achieved by utilizing a combination of setbacks for commercial buildings and significant buffers for screening.~~

### **Land Use Plan – West Point Avenue Site**

As shown in Map #1, below, the Land Use Plan map would be revised as follows to delete the "AH-1" designation of the area which pertained to the "West Point Avenue" project and to revise the designation of this area to reflect its existing R-15 zoning.



**Map #1 – Land Use Plan map**

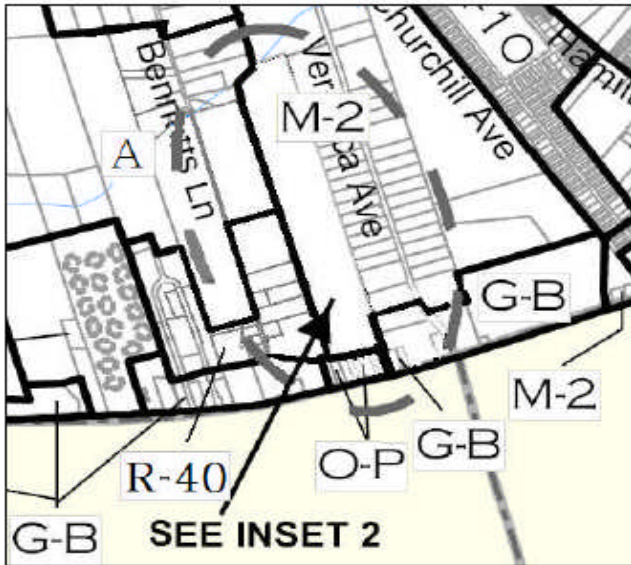


**Land Use Plan – Bennetts/ Veronica**

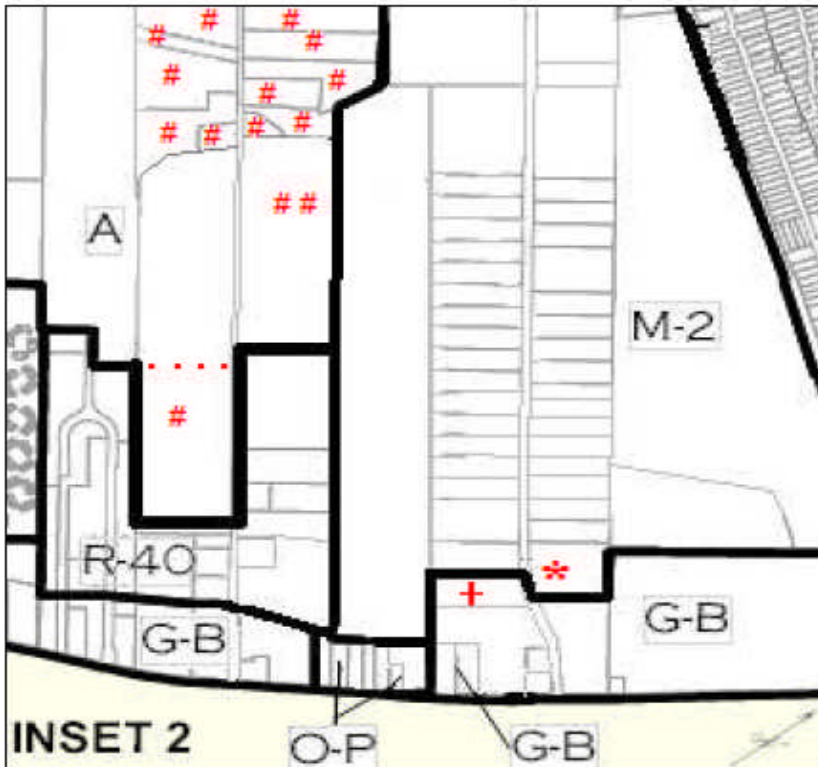
As shown in Maps #2 and #3, below, the Land Use Plan map and Inset 2 of the Land Use Plan map would be revised as follows:

1. To delete the "AH-2", "AH-2 Residential" and "AH-2 Commercial" designations which pertained to the "Bennett's/ Veronica" project and to revise the designations of these lands so that they reflect existing zoning, with the exception of:
  - o Block 88.02, Lot 26 (identified on Map #3 with double number signs "# #") which is proposed herein within the A (Agricultural) designation reflective of: (1) the property's location outside the sewer service area; (2) the farmland status of the property; (3) the property's planning area designation on the existing State Plan Policy Map (PA3) and its proposed designation in the on-going Cross-Acceptance process (PA4B); and (4) consistency with Land Use Recommendation #3 on pages 8 and 9 of the Land Use Plan Element of the Master Plan which also recommends that the similarly situated R-40 Area between Cortelyous Lane and Bennett's Lane be placed within the A (Agricultural) designation.
  - o Block 88.02, Lot 90 (identified with a plus "+" sign) which is proposed herein within the G-B (General Business) designation reflective of the property's past and approved use as a shopping center.
2. Consistent with the proposed designation of Block 88.02, Lot 26, described above, additional similarly-situated properties along Bennetts Lane are also proposed herein within the within the A (Agricultural) designation. These properties are identified on Map #3 with a single number sign "#").
3. To revise the designation of Block 88.01, Lot 44 (identified with an asterisk "\*\*") to "M-2" which is reflective of the property's existing zoning and current use. This property was erroneously placed within the G-B designation on the Land Use Plan map.

Map #2 – Land Use Plan map



Map #3 - Inset 2 of the Land Use Plan map



Note:

The Environmental Resource Inventory  
is provided in a separate document

**RESOLUTION OF  
THE PLANNING BOARD OF THE TOWNSHIP OF  
FRANKLIN, SOMERSET COUNTY, NEW JERSEY**

**WHEREAS**, the Planning Board of Franklin Township undertook a review of the Township's Master Plan and pursuant to N.J.S.A. 40:55D-28 prepared a Master Plan, with related maps and diagrams; and

**WHEREAS**, upon notice duly provided pursuant to N.J.S.A. 40:55D-28, the Planning Board of Franklin Township held various public hearings on the Master Plan; and

**WHEREAS**, on March 22, 2006 the Planning Board approved the Master Plan as amended, which approval was memorialized by resolution on April 5, 2006 (2006 Master Plan); and

**WHEREAS**, over the last two years the Township has implemented a significant number of the recommendations in the 2006 Master Plan; and

**WHEREAS**, in its efforts to implement the Master Plan, and for reasons explained in the minutes of various Planning Board meetings over the last year, memoranda of the Township Director of Planning and the Environmental Resource Inventory prepared by Amy S. Greene Environmental Consultants, Inc., the Planning Board has found it appropriate to modify the Master Plan; and

**WHEREAS**, on July 9, 2008 in the Council Chambers at the Franklin Township Municipal Building, 475 Demott Lane, Somerset, NJ the Franklin Township Planning Board held a hearing at its regularly scheduled meeting at 7:30 p.m. to consider:

- 1) The adoption of proposed Revisions to the Land Use Element of the Master Plan to:
  - (a) Recommend creation of a new park/open space/agricultural zone covering currently preserved Township, County or State-owned open space as outlined in the May 22, 2008 memorandum of the Township Director of Planning to the Township Planning Board; and
  - (b) Make the Land Use Element of the Master Plan consistent with recent amendments to the Housing Element and the Fair Share Plan and to make related revisions to the Land Use Plan regarding the zoning of certain properties along Bennetts Lane outlined in the June 26, 2008 memorandum of the Township Director of Planning to the Township Planning Board.
- 2) The adoption of the Environmental Resource Inventory prepared by Amy S. Greene Environmental Consultants, Inc. as an element of the Master Plan.

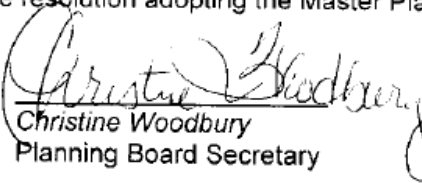
**NOW THEREFORE BE IT RESOLVED**, by the Planning Board of Franklin Township, Somerset County, State of New Jersey, that pursuant to N.J.S.A. 40:55D-28 the Planning Board hereby adopts the following amendments to the 2006 Master Plan:

- (1) Recommend creation of a new park/open space/agricultural zone covering currently

preserved Township, County or State-owned open space as outlined in the May 22, 2008 memorandum of the Township Director of Planning to the Township Planning Board; and

- (2) Make the Land Use Element of the Master Plan consistent with recent amendments to the Housing Element and the Fair Share Plan and to make related revisions to the Land Use Plan regarding the zoning of certain properties along Bennetts Lane outlined in the June 26, 2008 memorandum of the Township Director of Planning to the Township Planning Board.
- (3) The adoption of the Environmental Resource Inventory as an element of the Master Plan.

I hereby certify that this is a true copy of the resolution adopting the Master Plan of Franklin Township, Somerset County, on July 9, 2008.

  
Christine Woodbury  
Planning Board Secretary

VOTE ON MOTION: July 09, 2008

VOTE ON RESOLUTION: July 09, 2008    

For:

Cecile MacIvor  
Anthony Mazzola  
Michael Orsini  
Councilman Prasad  
Maureen Sturgeon  
Robert Thomas  
Harold Weber  
Chairman Chase

For:

Cecile MacIvor  
Anthony Mazzola  
Michael Orsini  
Councilman Prasad  
Maureen Sturgeon  
Robert Thomas  
Harold Weber  
Chairman Chase

Against:

None

Against:

None