

Franklin Township

Somerset County, New Jersey



DEPARTMENT OF PLANNING AND ZONING
Planning – Zoning – Affordable Housing
Planning Board – Zoning Board of Adjustment

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MEMORANDUM

To: Planning Board

From: Mark Healey, PP, AICP
Director of Planning

Date: October 3, 2012

RE: **Master Plan Amendment: Trap Rock Area**

This memorandum outlines Master Plan amendments. Upon adoption by the Planning Board in accordance with the New Jersey Municipal Land Use Law, this memorandum shall constitute amendments specifically to the Land Use Plan Element of the Master Plan.

Overview/ Analysis

This amendment to the Land Use Plan Element of the Master Plan addresses the Trap Rock Area of the Township located in the southerly portion of the Township and generally bounded by Route 27 to the east, Georgetown-Franklin Turnpike to the north and the Millstone River to the west (see *Figure 1*). The amendments of the Land Use Plan (and related recommended amendments to the Township Zoning Map) pertain to the properties within the "Subject Area" depicted on Figure 1 - i.e., lots 1.02 and 172.04 in block 5.02, lots 37 and 39.01 in block 1.02 and parts of lots 38.01 and 34 in block 1.02. Associated amendments to the Township Development Ordinance are also proposed herein.

Existing Conditions

Lots 1.02 and 172.04 in block 5.02 (i.e., the portion of the Subject Area located to the east of Kingston-Rocky Hill Road) are owned by Trap Rock Industries, Inc. and Laurel Ave. Corp. Inc., respectively. The quarry is located on lot 1.02 (the "quarry lot"), while lot 172.04 (the "quarry offices lot") contains Trap Rock offices and buildings related to quarry operations. The location of these facilities is shown on *Figure 2*. Lots 34, 37, 38.01 and 39.01 in block 1.02 (i.e., the portion of the Subject Area located to the west of Kingston-Rocky Hill Road) are part of the Delaware and Raritan Canal State Park and are owned by the New Jersey State Park Service (the "State Park lots").

Figure 3 shows existing land uses within the Subject Area and the surrounding area. Lots 1.02 and 172.04 in block 5.02 are put to quarry use, while lots 34, 37, 38.01 and 39.01 in block 1.02 (the "State Park lots") are preserved open space.

As is evident upon review of *Figures 2 and 3*, the area surrounding the Subject Area is decidedly rural in nature. *Figure 2* shows that most of the properties in the surrounding area are almost completely undeveloped and forest-covered. Those properties that are developed are developed in a low-intensity, rural manner. This is reflected, as well, in *Figure 3* which shows that most of the properties in this portion of the Township, and surrounding the Subject Area, consist of farmland qualified properties, vacant land, preserved open space or preserved farmland.

Existing Zoning

The low intensity, rural nature of the area surrounding the Subject Area is reflected in the existing zoning. As shown in *Figure 4*, the portion of the Township surrounding the Subject Site is comprised of the following low-intensity, rural zoning districts:

- the RR-5 (Rural Residential) zoning district which permits residential development at a density of 1 house for every 5 acres.
- the A (Agricultural) zoning district which permits residential development at a density of 1 house for every 6 acres; and
- the CP (Canal Preservation) zoning district which permits residential development at a density of 1 house for every 6 acres.

These low-intensity, rural zoning districts cover several square miles and comprise almost the entirety of the southern portion of the Township. The Subject Area rests in the middle of this decidedly rural, low intensity area of the Township.

As shown in *Figure 4*, the Subject Area is comprised of several zoning districts:

- The "State Park lots" and most of block 5.02, lot 1.02 (the "quarry lot") are located within the M-3 (*Mining and Manufacturing*) zoning district. Along with quarrying, the M-3 zone also permits various other uses permitted in the Township's industrial zones including general office buildings, warehouses, laboratories and certain manufacturing uses. This is the only M-3 zone in the Township.
- Most of the "quarry offices lot" and a portion of the "quarry lot" are located within the R-O-L (*Research Office Laboratory*) zoning district which permits general office buildings and laboratories.
- Smaller portions of the "quarry lot" and "quarry offices lot" are located within RR-5 and/or A zoning districts.

Infrastructure

With the exception of the quarry headquarters facility, which is served by its own facility discharging to groundwater, the Subject Area is not served by sewer. *Figure 5* shows the existing sewer service area (or lack thereof) in this area of the Township. The Subject Area is not located within a sewer service area, nor is the area of the Township surrounding the Subject Area, which comprises several square miles. There is no plan to expand the sewer service area in this portion of the Township as reflected on *Figure 6* which shows the proposed sewer service areas in the County's draft Wastewater Management Plan.

According to the Township Engineer the Subject Area is not served by public water for any intense development, let alone light industrial and office uses currently permitted in the M-3 zone. To the degree that a Township water line extends down a portion of Route 518, that line is a low pressure line and serves the few residential properties along the roadway. The Township has no plans to increase the water supply infrastructure in this portion of the Township.

Historic and Scenic Resources

The Subject Area is located in an area of the Township of historic and scenic significance. *Figure 7* shows the location of the Subject Area in relation to various local, state and national significance. The westerly portion of the Subject Area is located within the Delaware and Raritan Canal Historic District. A portion of the Rocky Hill State and National Historic District abuts the Subject Area to the north and the Kingston Village State and National Historic District is located to the south of the Subject Area. Running through the Subject Area is Kingston-Rocky Hill Road which is part of the part of the Millstone Valley National Scenic Byway. Georgetown & Franklin Turnpike, which forms the northerly boundary of the Subject Area, is a municipally-designated Scenic Road. Rockingham, a site individually listed on the State and National Register of Historic Places, is located in close proximity to the Subject Area.

State Plan

Consistent with the above (i.e., low intensity, rural land use and zoning and the lack of public sewer and water), the New Jersey State Plan places the Subject Area and the surrounding it within rural planning areas. The Subject Area is located within the "Rural" Planning Area. The area surrounding the Subject Area is located within either the "Rural" Planning Area or the "Rural/ Environmentally Sensitive" Planning Area. The State Park lots are located within the "Parks and Natural Areas" Planning Area. See *Figure 8*.

Per the State Plan, the "Rural" and "Rural/Environmentally Sensitive" Planning Areas are intended for very limited growth and conservation. In such areas, the State Plan's intention is that "public water, wastewater, and other capital-intensive infrastructure should be provided only in Centers." The development of this area is consistent with the State Plan in this regard as public sewer in this area of the Township is confined to the small, historic hamlet of Kingston, a designed center.

Existing Township Master Plan

Various portions of the Master Plan address the Trap Rock Quarry area, and address two main planning factors: (1) the location of the Trap Rock Quarry in an area of the Township of historic, environmental and scenic importance; and (2) the eventual conversion of the quarry into a reservoir with uplands preserved as open space.

- On page 8 of the Land Use Plan Element under "Sector One Land Use Recommendations," the Master Plan recommends: "7. Plans for the conversion of Trap Rock Quarry to a public park after the closure of the quarry should continue to be supported."

- The stated purpose of the M-3 addresses the M-3's zones location within an area of residential development with environmental and historic importance: "To permit quarrying activities that are consistent with the character of adjacent residential development, and preserves environmental and historic features." (page iii of the Land Use Plan Element Appendix, "Purposes of Zones").
- page iii of the Land Use Plan Element Appendix, Village of Kingston Planning and Implementation Agenda, "supports implementation of the Reclamation Plan and eventual conversion of the quarry into State open space when quarry operations cease. Trap Rock Quarry is planned to be in operation until 2045, when it is intended to be flooded and utilized as open space to be owned by the State."

Amendments to the Master Plan

In light of the Overview/ Analysis presented above, the Land Use Plan Element of the Master Plan shall be revised as outlined below. Upon adoption by the Planning Board in accordance with the New Jersey Municipal Land Use Law, the following shall constitute amendments specifically to the Land Use Plan Element of the Master Plan.

Amend permitted uses with the M-3

The permitted uses in the M-3 district should be revised to eliminate uses that are inconsistent with the character of the surrounding area and for which sufficient infrastructure does not exist. Specifically, manufacturing, office, warehouse, laboratory and other such uses should be eliminated as permitted uses in the M-3 zone. Quarrying and associated ancillary uses should remain as permitted uses. Certain uses (child care and renewable energy facilities) should remain as permitted uses consistent with the MLUL.

Consistent with these amendments, any and all others references in the Master Plan and the Development Ordinance should be revised to reference the M-3 zone as the "M-3 (Mining)" zone.

Land Use Plan Map and Zoning Map

The Land Use Plan map shall be revised as reflected in *Figure 9*, Proposed Land Use Map. These amendments would:

- remove the "State Park lots" from the M-3 zone and place them within the CP (Canal Preservation) zone, consistent with the existing and future use of these lots;
- Re-designate the portions of the "quarry lot" (block 5.02, lot 1.02) and the "quarry offices lot" (block 5.02, lot 172.04) that are currently within the R-O-L zone to the M-3 zone and place the small portion of the "quarry offices lot" that is currently within the A zone (i.e., the narrow portion containing the entrance road and guard house) to the M-3 zone; and
- eliminate the R-O-L zone from this area.

These changes would place the portions of these properties currently involved in quarry operations within one zone that permits uses consistent with the existing and future use of the area and within a zone (the "M-3 Mining zone", as revised) which would no longer permit uses that are inconsistent with

the character of the surrounding area and for which sufficient infrastructure does not exist (nor planned to be provided).

Figure 10 illustrates the recommended amendments to the Zoning Map and *Figure 11* shows the resulting zoning plan for the area.

Proposed Reclamation Plan

Figure 13 shows the proposed reclamation plan for the quarry. The reclamation plan is substantially similar to reclamation plans previously approved by the Township and all quarrying activities would be confined to the quarry zone with one notable exception. Under the proposed reclamation plan the quarry seeks to deposit excavated mining materials within a small portion of the RR-5 Zoning District on contiguous lands and within 300 feet of the M-3 zoning district boundary for the purpose of building an earthen berm for screening purposes. Section 112-136 of the Development Ordinance would need to be revised to permit this. Such deposition should only be permitted as part of a Quarry Reclamation and Rehabilitation Plan approved by the Township. Further, the eventual reclamation and restoration should be included as permitted uses within the zone.

Figure 1: Subject Area

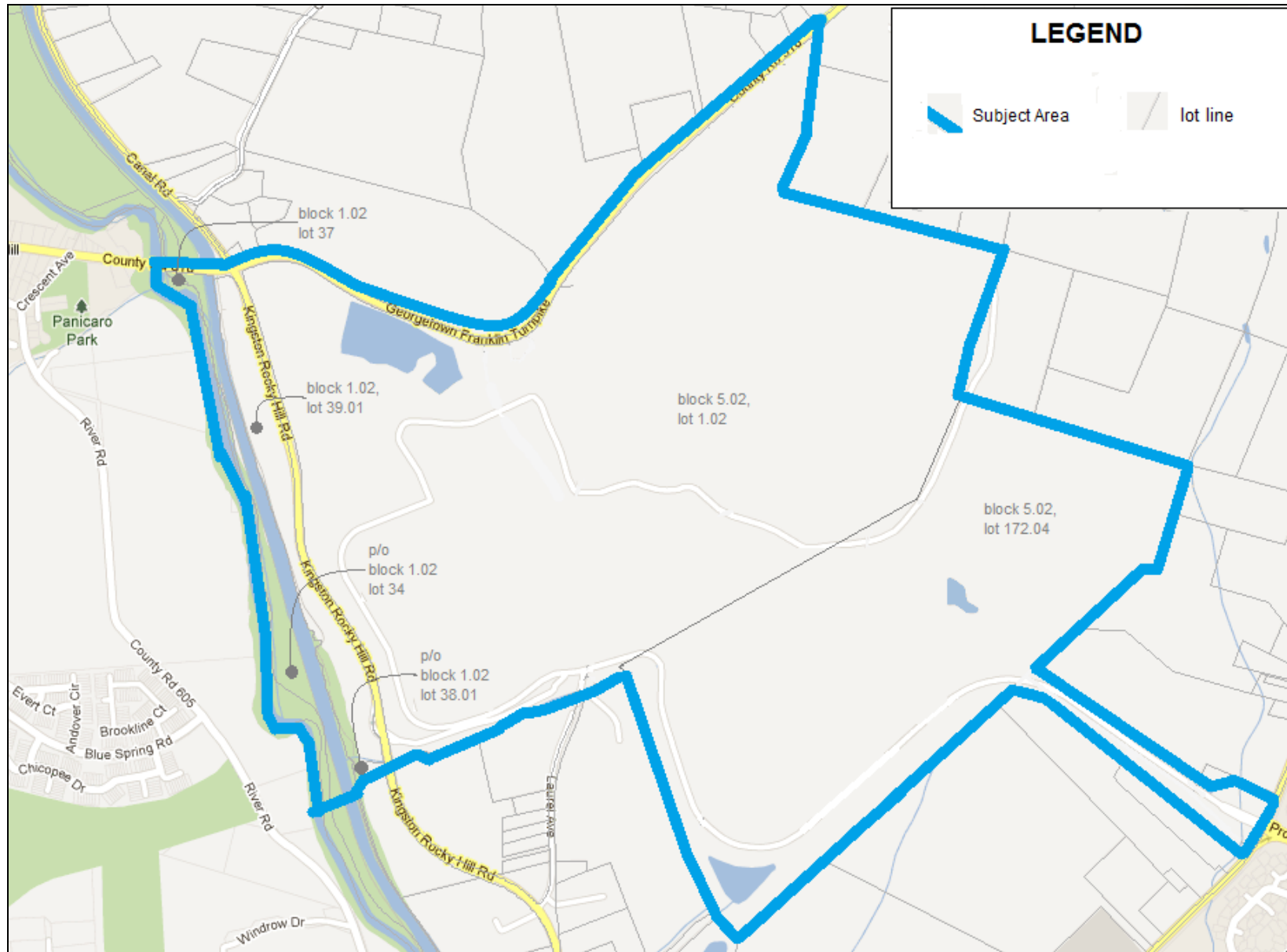


Figure 2: Subject Area with Aerial and Existing Zoning

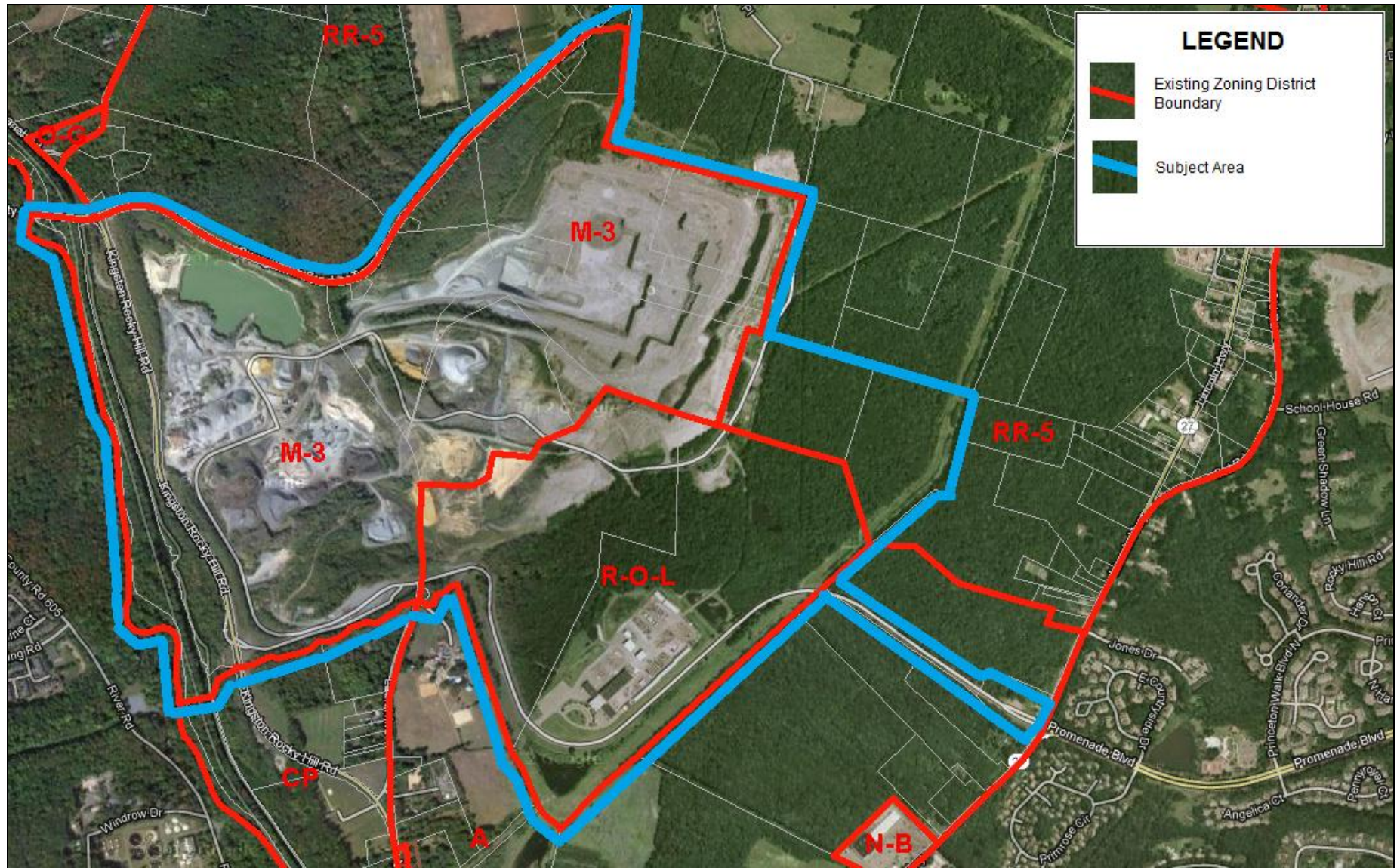


Figure 3: Existing Land Use

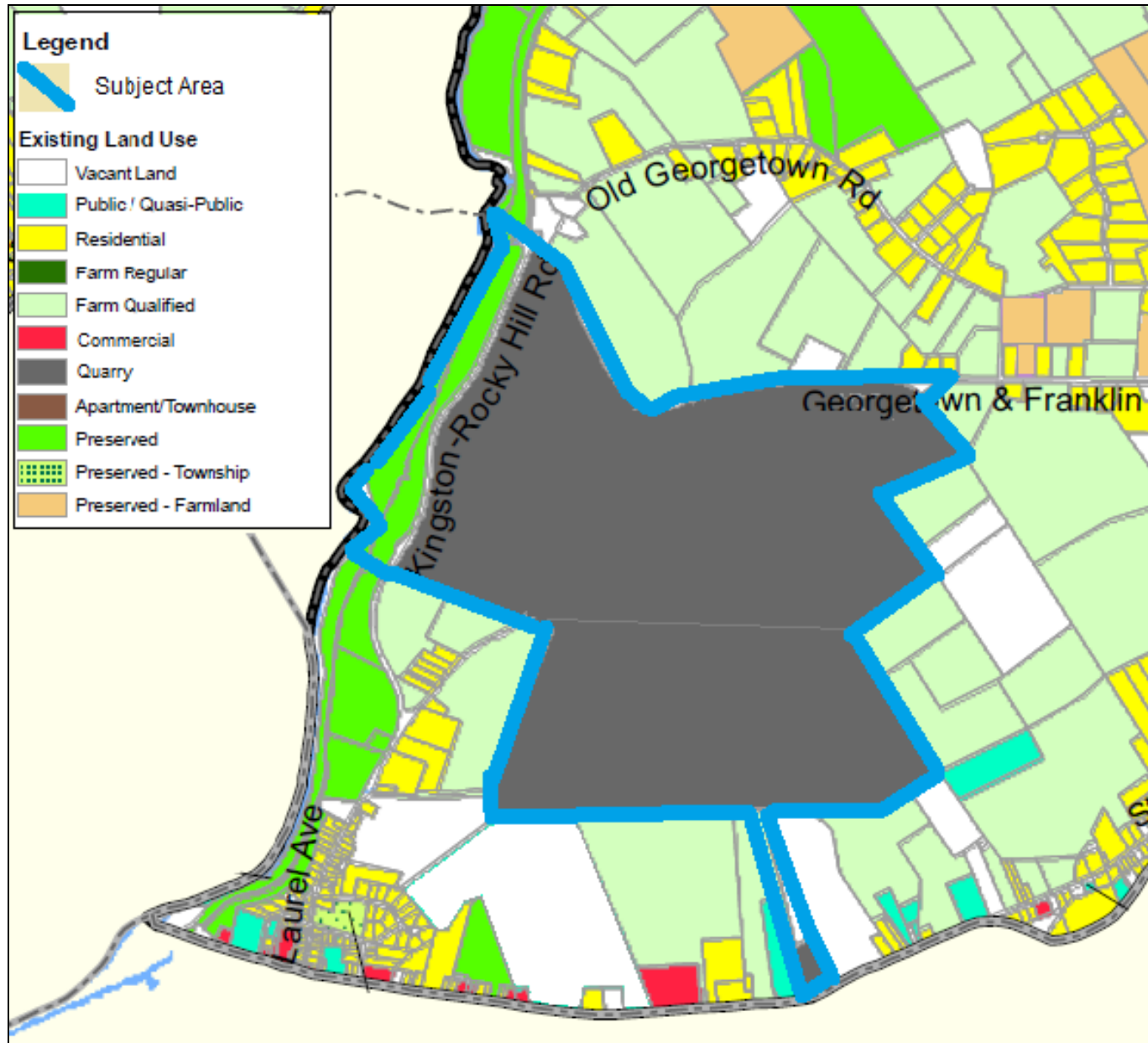


Figure 4: Existing Zoning

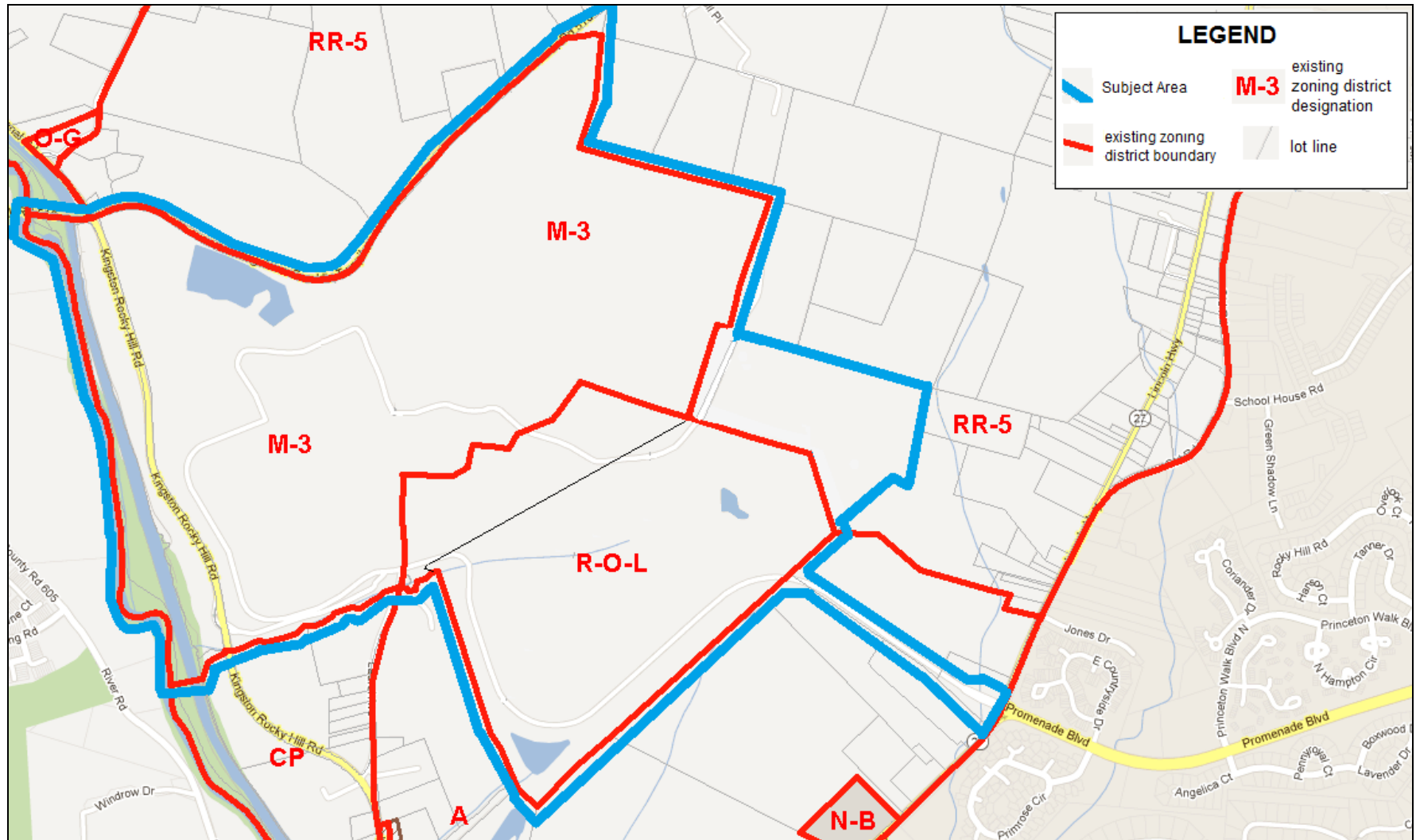


Figure 5: Existing Sewer Service Area w/ Proposed Changes in County Wastewater Management Plan

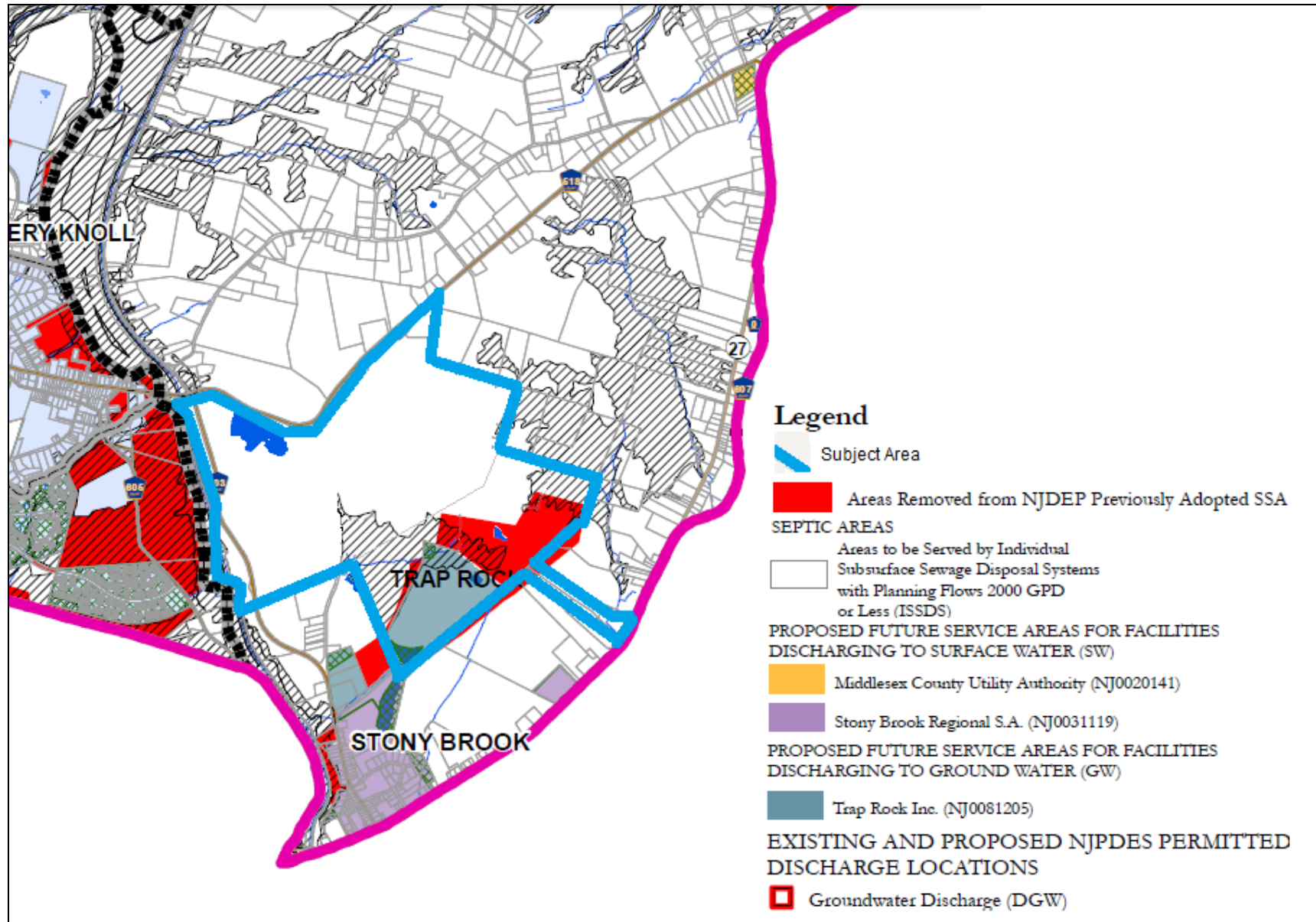


Figure 6: Proposed Sewer Service Area in County Wastewater Management Plan

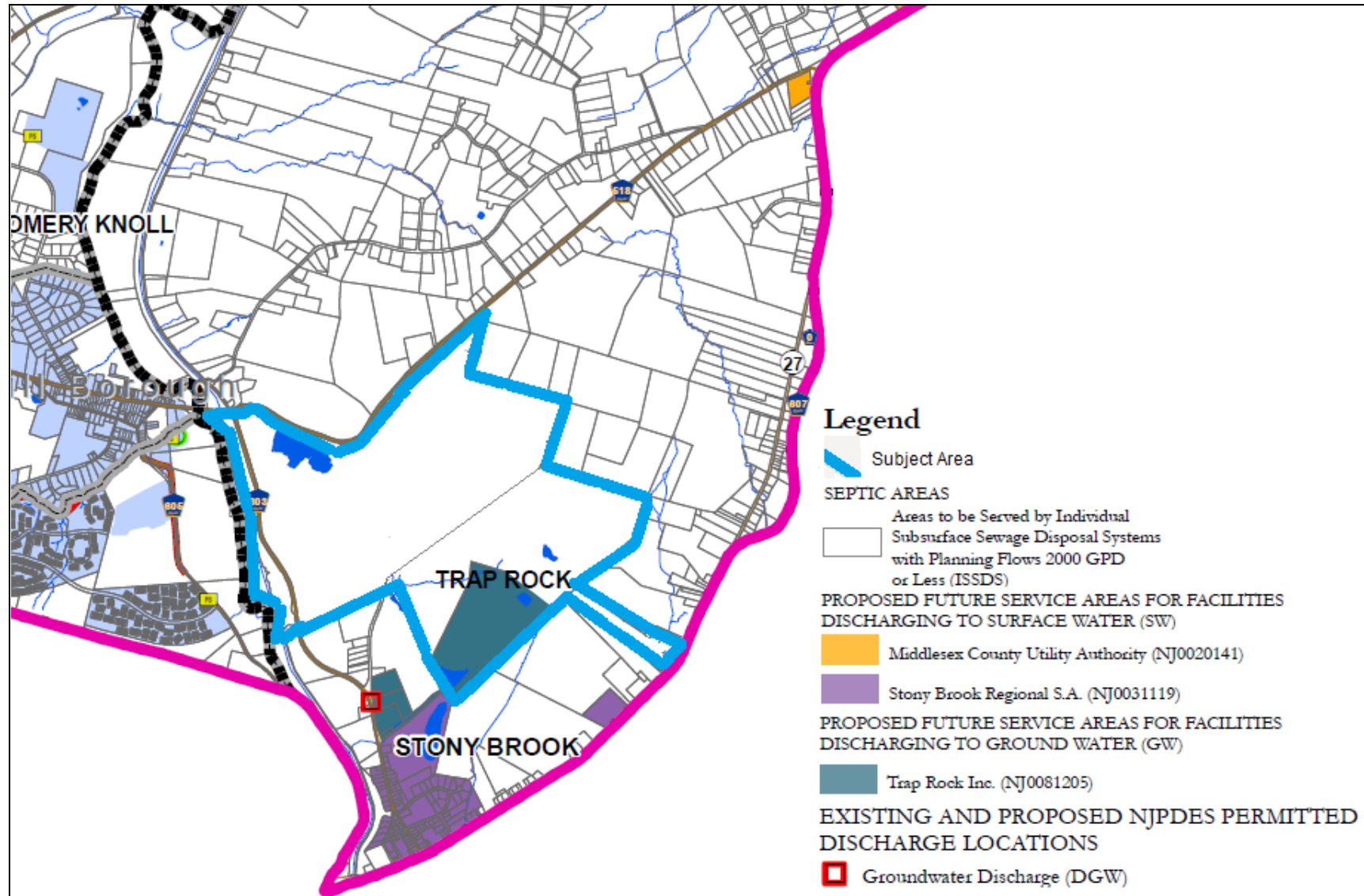


Figure 7: Local, State and National Historic Districts

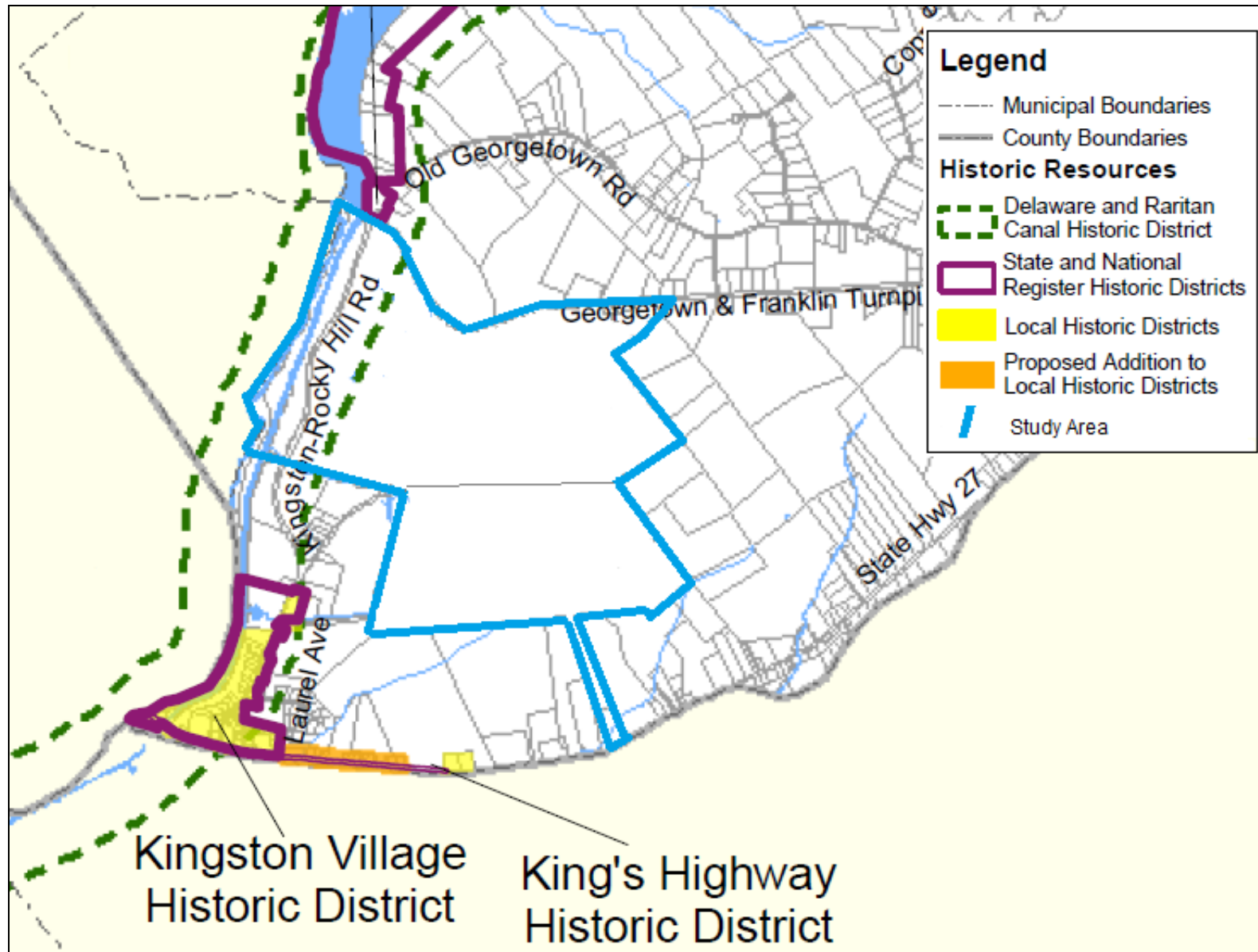


Figure 8: State Plan Policy Map

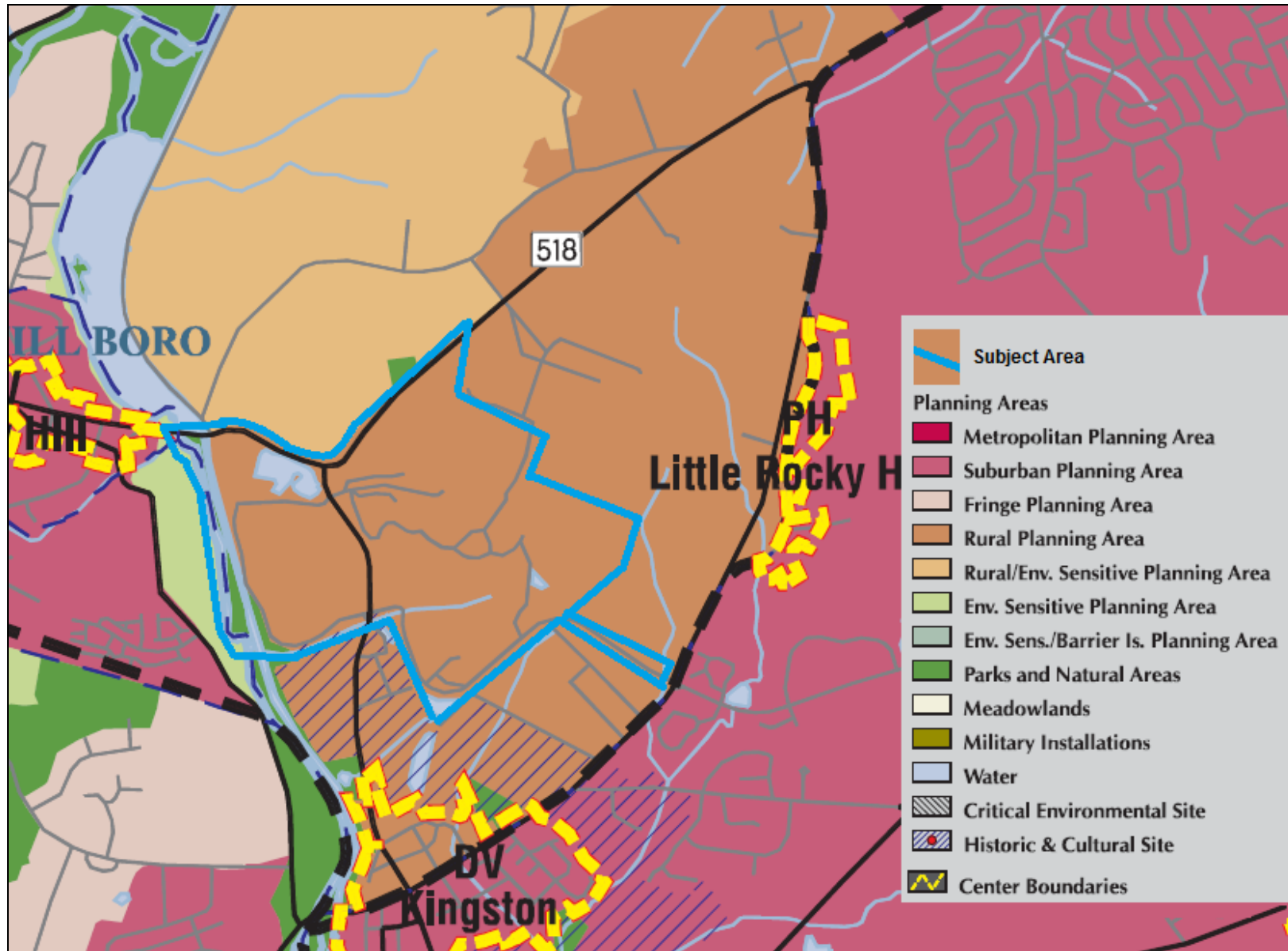


Figure 9: Existing Land Use Plan Map

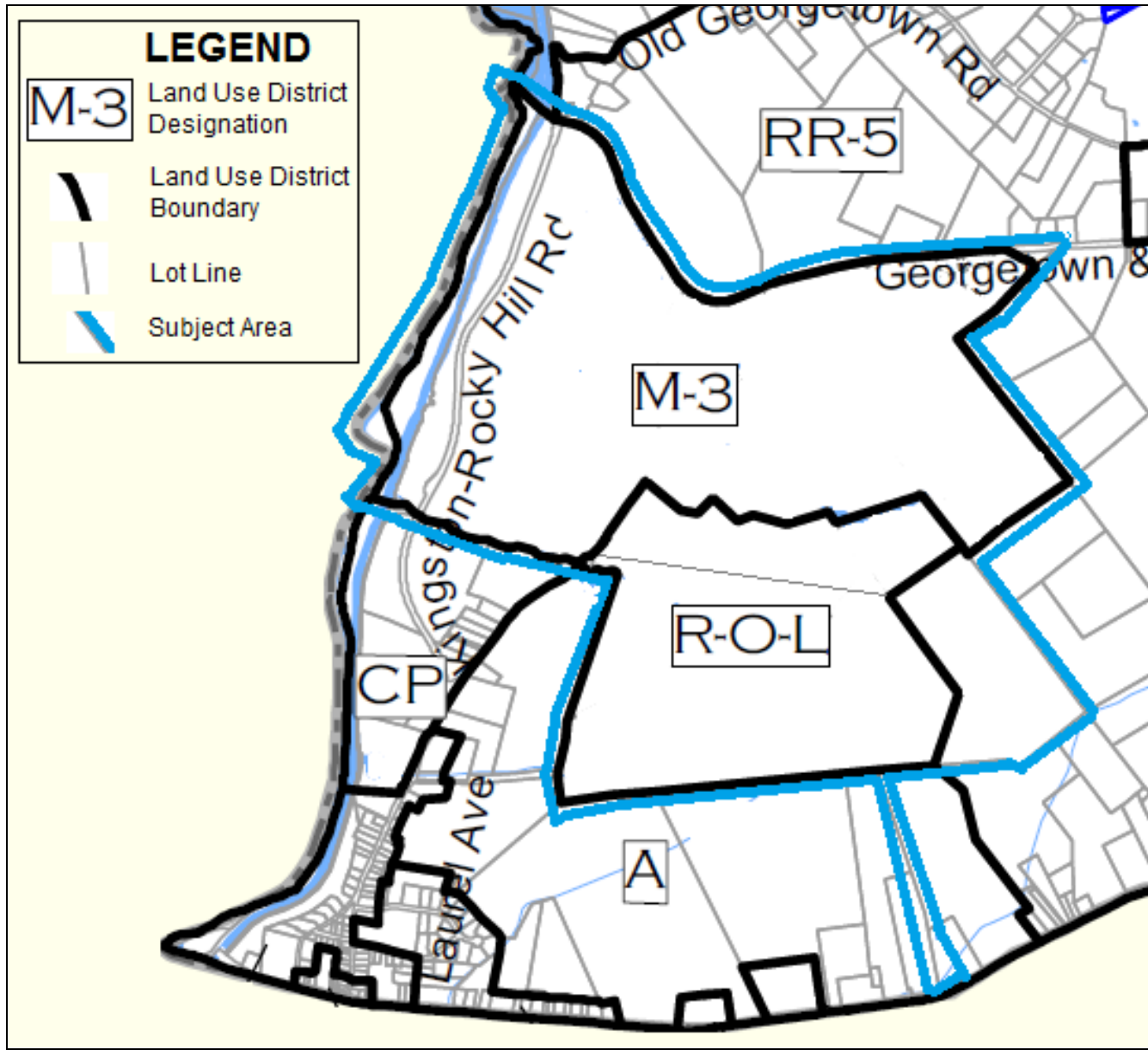


Figure 10: Proposed Land Use Plan Map

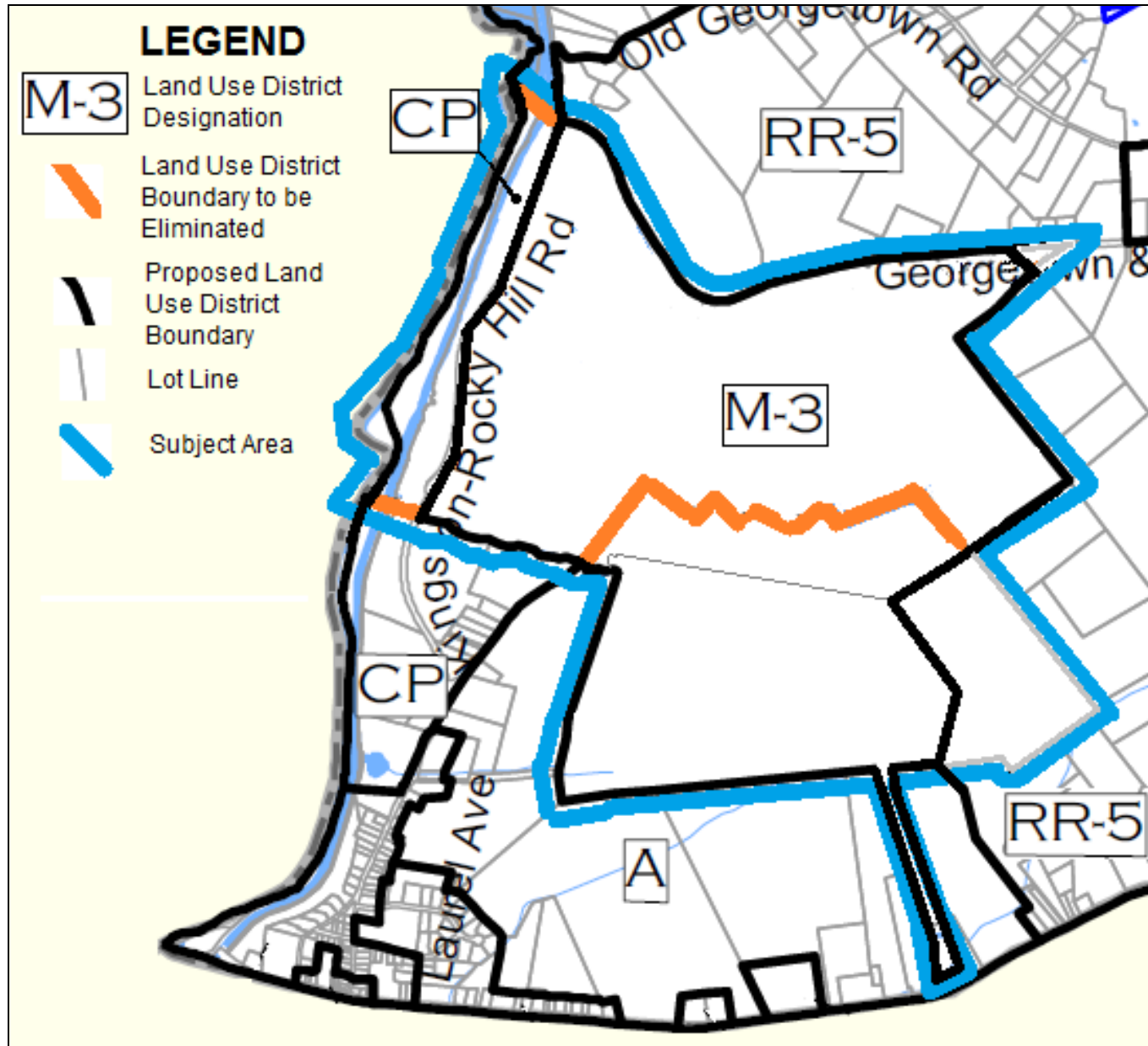


Figure 11: Proposed Zoning Map Changes

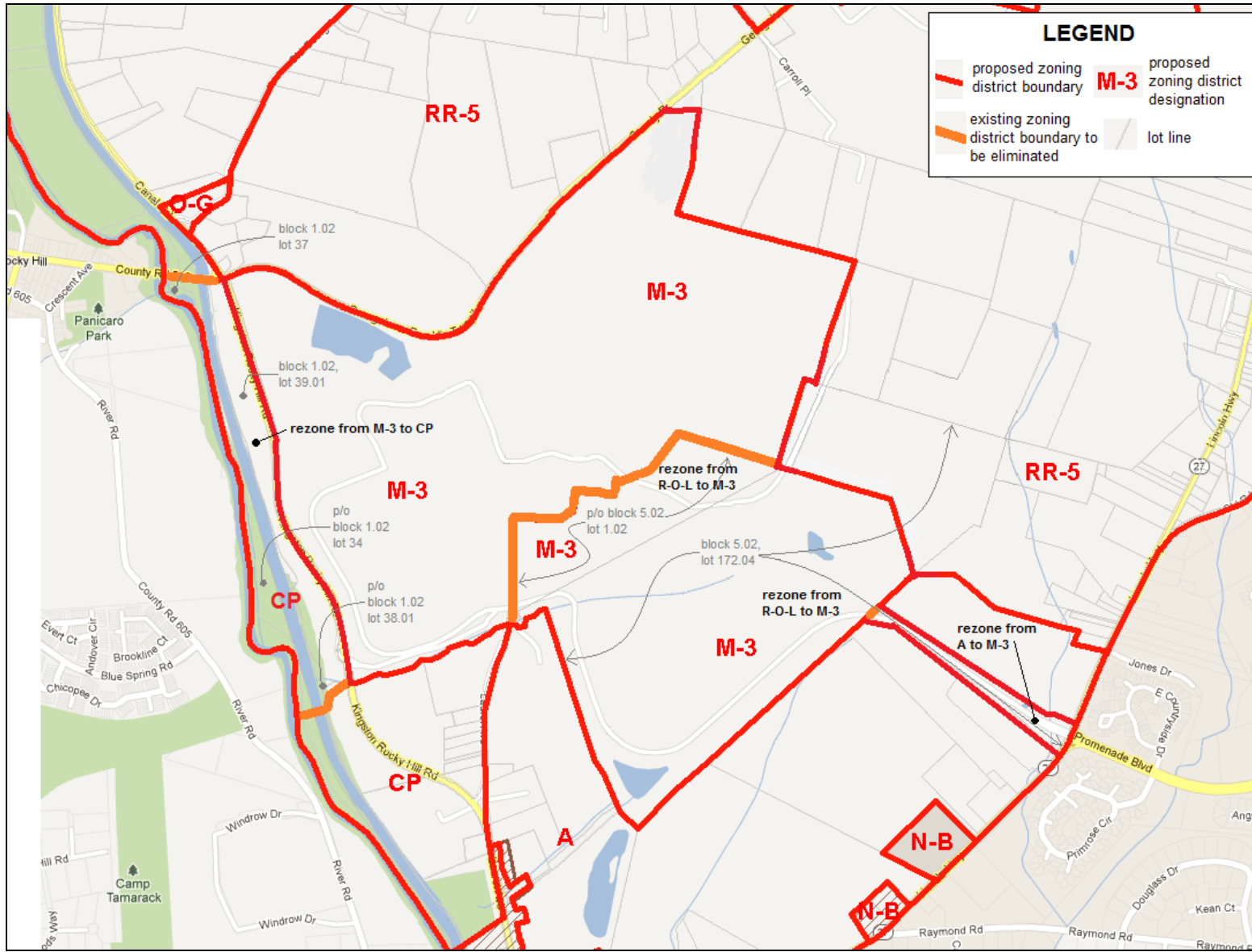


Figure 12: Proposed Zoning Map

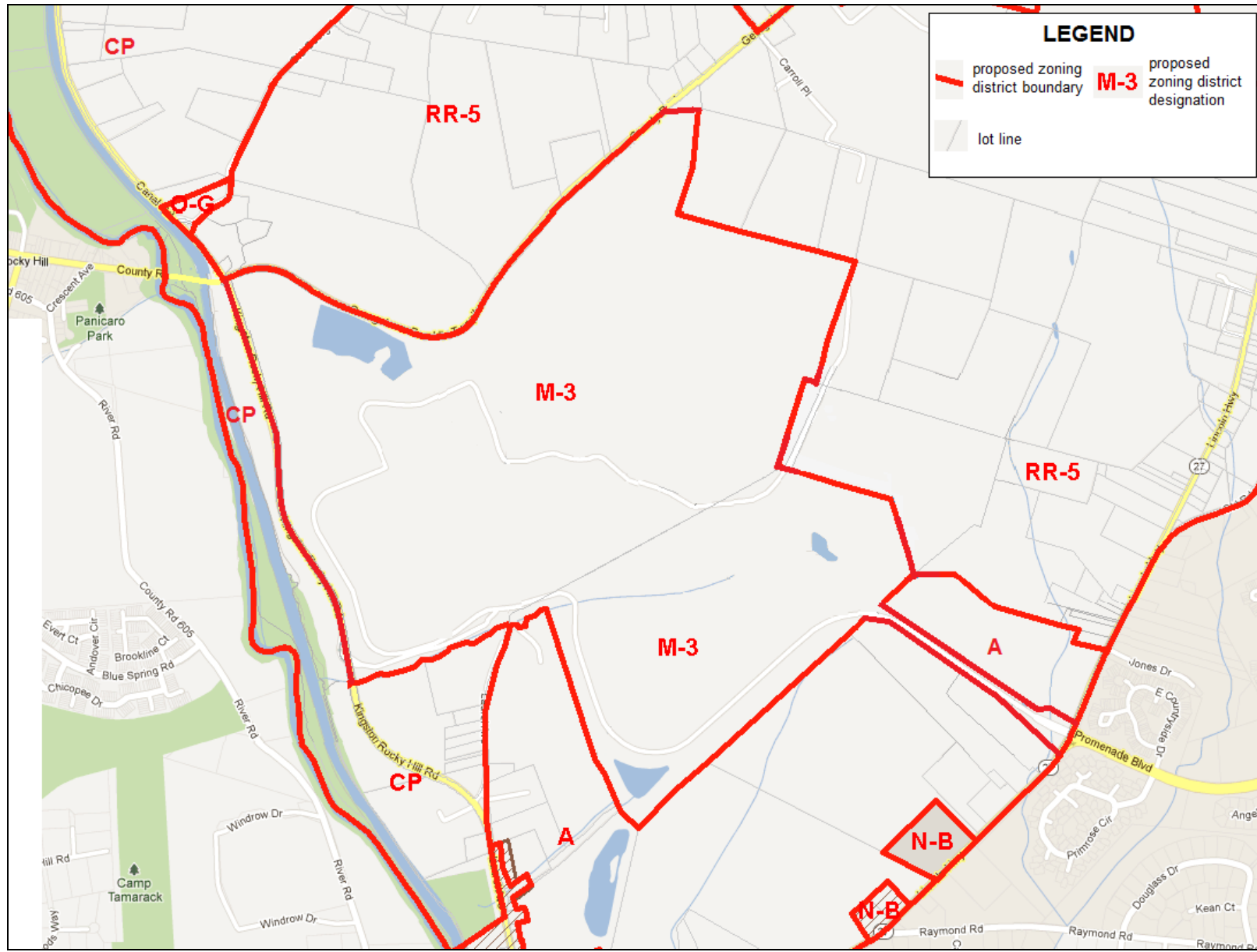
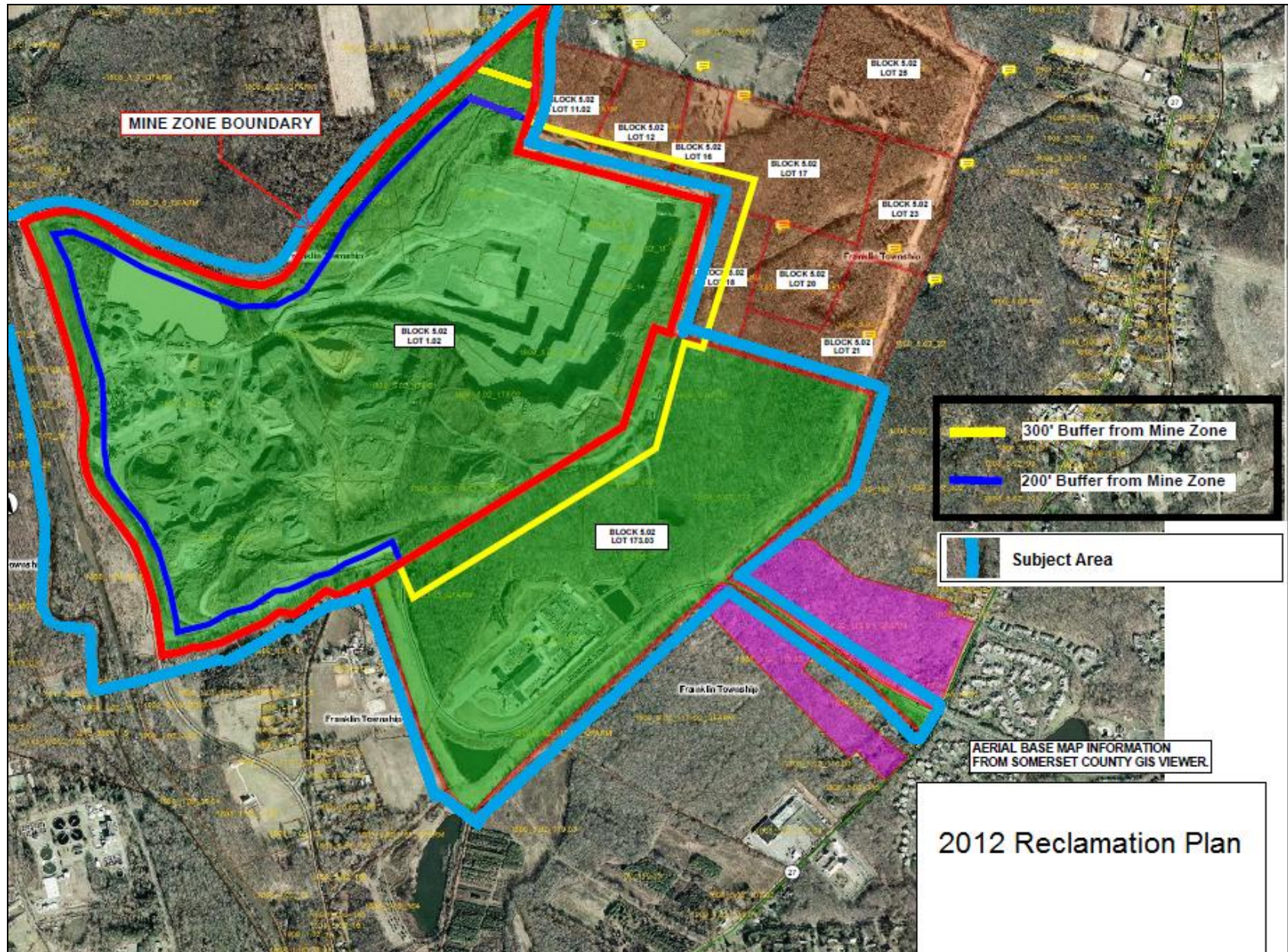


Figure 13: Proposed Reclamation Plan



ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, REGARDING THE ZONING OF THE TRAP ROCK QUARRY AREA.

SUMMARY

An Ordinance to amend certain provisions of Chapter 112, Land Development, pertaining to the Trap Rock Quarry area. The Ordinance would amend the zoning of certain properties in the area, amend the permitted uses in the M-3 zoning district, and would add supplementary zoning requirements pertaining to the M-3 zone and surrounding area.

BE IT ORDAINED by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey as follows:

SECTION I

Chapter 112, Land Development – Article II, Section 112-5, Districts Enumerated, is amended as follows to amend the title of the M-3 zone:

M-3 Mining ~~and Manufacturing~~

SECTION II

Chapter 112, Land Development – Article II, Section 112-6, Zoning Map, Paragraph B, Official Zoning Map, is amended as follows:

The Official Zoning Map is amended to change the designation of the following properties from M-3 (Mining) to CP (Canal Preservation) as depicted on Figures 1 and 2:

- part-of Lot 34 in Block 1.02;
- Lot 37 in Block 1.02;
- part-of Lot 38.01 in Block 1.02;
- Lot 39.01 in Block 1.02.

SECTION III

Chapter 112, Land Development – Article II, Section 112-6, Zoning Map, Paragraph B, Official Zoning Map, is amended as follows:

The Official Zoning Map is amended to change the designation of the following properties from R-O-L (Research-Office-Laboratory) to M-3 (Mining) as depicted on Figures 1 and 2:

- part-of Lot 1.02 in Block 5.02;
- part-of Lot 172.04 in Block 5.02

SECTION IV

Chapter 112, Land Development – Article II, Section 112-6, Zoning Map, Paragraph B, Official Zoning Map, is amended as follows:

The Official Zoning Map is amended to change the designation of the following property from A (Agricultural) to M-3 (Mining) as depicted on Figures 1 and 2:

- part-of Lot 172.04 in Block 5.02

SECTION V

Chapter 112, Land Development – Article II, Section 112-8.S is amended as follows to reflect the amended title of the M-3 zone:

- S. ~~M-3 Mining and Manufacturing~~. The purpose of the M-3 District is to allow quarrying activities consistent with the character of adjacent development and the preservation of environmental and historical features.

SECTION VI

Chapter 112, Land Development – Article III, General Zoning Regulations, Schedule 1, Permitted Uses, is amended to revise the permitted uses in the M-3, Mining, zoning district as follows:

DISTRICT CATEGORY	PRINCIPAL USES	ACCESSORY USES	CONDITIONAL USES
<p>M-3 Mining and Manufacturing</p>	<ul style="list-style-type: none"> •Quarry, handling and processing of stone, and gravel extracted from the premises •Transportation and storage, crushing, grinding, pulverizing and mixing of the extracted raw materials •Farming operations (See also § 112-27.) •<u>Quarry reclamation for pre-existing licensed quarrying activity conducted in accordance with an approved Quarry Reclamation and Rehabilitation Plan approved by the Township.</u> •<u>Site restoration and stabilization, including installation of landscaping and berms associated with restoration and stabilization associated with quarrying operations before, during and after such operations.</u> •Manufacturing, fabrication and assembly of light machinery; wood and paper products; metal furniture; toys; bags; book binding; boxes and packaging materials; office supplies; bottling of food and beverages; food and cereal supplies; milling; food processing; food sundry manufacturing; ice cream manufacturing; manufacturing of spirituous liquors; other uses of the same nature and type. •Biological, chemical, dental, electronic, pharmaceutical and general laboratories •Warehouses provided no 	<ul style="list-style-type: none"> •Buildings, machinery and accessory facilities to conduct permitted uses •Mixing or batching plant for concrete •Manufacture of pre-stressed concrete, bituminous concrete, concrete mixes and other products •Buildings and facilities for the repair and storage of motor vehicles and equipment used in permitted operations •Administrative and sales Offices • <u>Indoor and outdoor storage of raw materials and machinery related to permitted uses. and onsite fuel storage related to permitted uses.</u> • <u>Parking of trucks and vehicles and indoor and outdoor storage of such vehicles related to permitted uses.</u> •Signs (See Article XII.) 	<ul style="list-style-type: none"> •Public utility installations (See § 112-48.) •Wireless communications antennas in accordance with the specific zoning conditions, standards and limitations for their location, approval and operation included within Article VI

	goods are sold at the premises •General office buildings •Child-care centers		
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SECTION VII

Chapter 112, Land Development – Article III, Supplementary Zoning Regulations, is amended as follows to add a new section, Section 112-33.3, addressing renewable energy facilities:

§112-33.3. Renewable Energy Facilities.

Consistent with the provisions of C.40:55D-66.11 of the New Jersey Municipal Land Use Law, a renewable energy facility on a parcel or parcels of land comprising 20 or more contiguous acres that are owned by the same person shall be a permitted use within the Township's M-1, M-2 and M-3 zoning districts. For the purposes of this section, “renewable energy facility” means a facility that engages in the production of electric energy from solar technologies, photovoltaic technologies, or wind energy and shall include associated equipment necessary for the generation and transmission of electric energy from the renewable energy facility.

SECTION VIII

Chapter 112, Land Development – Article XV, Quarrying Requirements II, Section 112-130, Site plan required, is amended as follows to reflect the amended title of the M-3 zone:

§ 112-130. Site plan required.

Prior to the issuance of a building permit or a certificate of occupancy for any use in the M-3 Mining and Manufacturing Zone, a site plan shall be submitted to the Township Planning Board in accordance with the governing site development plan procedure, and other applicable requirements of Township ordinances.

SECTION IX

Chapter 112, Land Development – Article XV, Quarrying Requirements II, Section 112-136, Waste disposal, is amended as follows to permit the deposition of excavated mining materials within the RR-5 zoning district under certain circumstances:

§ 112-136. Waste disposal.

- A. Stone or other products of quarrying shall not be deposited as waste, spillage or storage in any manner on adjacent properties or on roads of the Township, except that the deposition of excavated mining materials shall be permitted within the RR-5 Zoning District only on lands that are contiguous to lands within the M-3 zoning district and shall only be permitted within 300 feet of the M-3 zoning district boundary and within 300 feet from the edge of quarrying activity is approved as part of a Quarry Reclamation and Rehabilitation Plan approved by the Township, provided that such deposition shall only be permitted for the purpose of building an earthen berm for screening purposes, and provided that such deposition is approved as part of a Quarry Reclamation and Reclamation Plan approved by the Township. Fencing required by §112-137 shall be erected around the perimeter of such deposited materials.
- B. Provisions shall be made for the disposal of any waste products resulting from any of the mining operations on the premises thereof, and a landfill cover method shall be employed periodically to accomplish that objective.

SECTION X

If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

SECTION XI

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as the extent of such inconsistency.

SECTION XII

This ordinance shall take effect immediately upon adoption and publication according to law.

Ordinance No.

This is a true copy of an ordinance adopted by the Township Council, Township of Franklin, Somerset County, New Jersey.

Introduced:

Public Hearing:

Adoption:

Published:

Effective:

Ann Marie McCarthy, Township Clerk

FIGURE 1: Proposed Zoning Changes

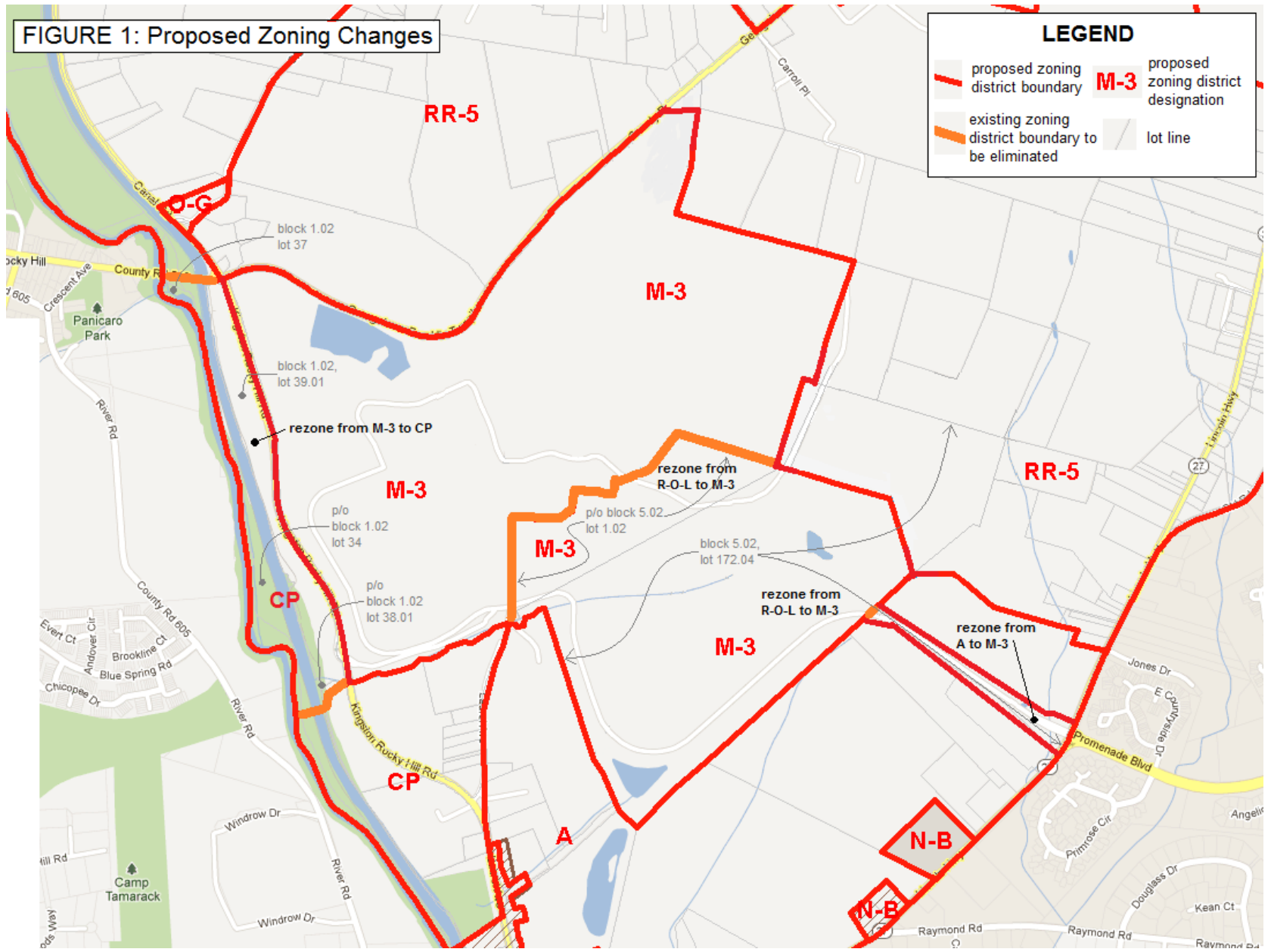


FIGURE 2: Proposed Zoning



Franklin Township

Somerset County, New Jersey



DEPARTMENT OF PLANNING AND ZONING

Planning – Zoning – Affordable Housing
Planning Board – Zoning Board of Adjustment

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475 DeMott Lane
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MEMORANDUM

To: Planning Board

From: Mark Healey, PP, AICP
Director of Planning

Date: September 26, 2012

RE: **Master Plan Amendment: Easton Avenue Area R-20 Zoning District**

This memorandum outlines Master Plan amendments. Upon adoption by the Planning Board in accordance with the New Jersey Municipal Land Use Law, this memorandum shall constitute amendments specifically to the Land Use Plan Element of the Master Plan.

Overview/ Analysis

This amendment to the Land Use Plan Element of the Master Plan addresses the proposed rezoning of an approximately 13.5-acre area located within the northeasterly portion of the Township in proximity to First Street and Lakeside Drive (see *Figure 1*).

As shown in *Figure 1*, the subject property is split-zoned with approximately 13.5 acres located within the R-40 district (which permits single-family detached residential uses with a minimum lot area of 40,000 square feet) and approximately 1.5 acres located within the R-20 district (which permits same on lots with a minimum area of 20,000 square feet).

The area to the north and east of the subject property is located within the R-20 single-family residential zoning district. The existing development in this area is characterized by single-family detached dwellings on lots that are generally 20,000 square feet in size (i.e., consistent with its R-20 zoning). The area to the south and west of the property, located within the R-40 zone, is developed with townhouse and multifamily residential uses.

In 2010, Lakeside at Franklin, LLC was granted a D-5 use variance by the Franklin Township Zoning Board of Adjustment (ZBA-08-00024) for the construction of 20 single-family detached residential dwellings consistent with the requirements of the R-20 district (i.e., minimum 20,000 square foot lots) on the site.

The following paragraph from the Board's resolution summarizes the Board's reasoning for grant of the variance:

The property is more in-kind with the R-20 zone notwithstanding its predominant R-40 zoning. This is true because this tract of land is essentially cut-off from the remainder of the R-40 zone and because the development property is connected to and essentially surrounded by an adjoining R-20-zoned neighborhood and would be functionally an extension of that single-family neighborhood and developed at density consistent thereto.

The Board subsequently approved the applicant's major subdivision plan (ZBA-10-00023) pursuant to the use variance. Figure 4 shows that subdivision, which has been perfected.

Lakeside at Franklin, LLC seeks to rezone the Subject Area consistent with the variance and subdivision approval previously granted by the Zoning Board of Adjustment. Specifically, Lakeside at Franklin, LLC has proposed a rezoning of the Subject Area from the R-40 district to the R-20 district.

The rationale for the rezoning is outlined in a report entitled "Planning Report in Support of a Proposed Rezoning of Block 424.02, Lot 29¹" prepared by Phillips Preiss Grygiel, LLC and dated 2012, which report is appended to this memorandum. In summary, that report illustrates that the Subject Area is more appropriate for the R-20 district than the existing R-40 zoning based on access and connectivity considerations:

- "The area is effectively cut off from the balance of the R-40 district and relates more to the contiguous R-20 district."
- "All of the lands that are immediately adjacent to the subject property have developed far more intensively than what the R-40 district permits."
- "To develop the subject property in accordance with R-40 district requirements would be inappropriate vis-à-vis the development context in this neighborhood."

Amendment to the Master Plan

In light of the Overview/ Analysis presented above, the Land Use Plan Element of the Master Plan shall be revised as outlined below. Upon adoption by the Planning Board in accordance with the New Jersey Municipal Land Use Law, the following shall constitute amendments specifically to the Land Use Plan Element of the Master Plan:

Consistent with Zoning Board of Adjustment's rationale in granting of the use variance, the Subject Area is more in-kind with the R-20 zone notwithstanding its predominant R-40 zoning. This is true because this tract of land is essentially cut-off from the remainder of the R-40 zone and because the development property is connected to and essentially surrounded by an adjoining R-20-zoned

¹ Lot 29 has subsequently been subdivided into lots 29.01 through 29.21 in Block 424.02.

neighborhood and would be functionally an extension of that single-family neighborhood and developed at density consistent thereto.

The Land Use Plan map shall be revised to place Lots 29.01 through 29.18 in Block 424.02, part of Lot 29.19 in Block 424.02 and part of lot 29.21 in Block 424.02 within the R-20 Land Use Designation.² The Township Zoning Map should be amended to make corresponding revisions.

Figure 2 illustrates the amendments to the Land Use Plan Map and the recommended amendments to the Township Zoning Map. *Figure 3* shows the resulting zoning plan for the area.

² Lot 29.20 and most of lot 20.19 and a small portion of lot 29.21 are currently within the R-20 Land Use Designation on the Land Use Plan map and the R-20 zoning district on the Township Zoning Map.

Figure 1: Existing Zoning



Figure 2: Proposed Zoning Map Changes

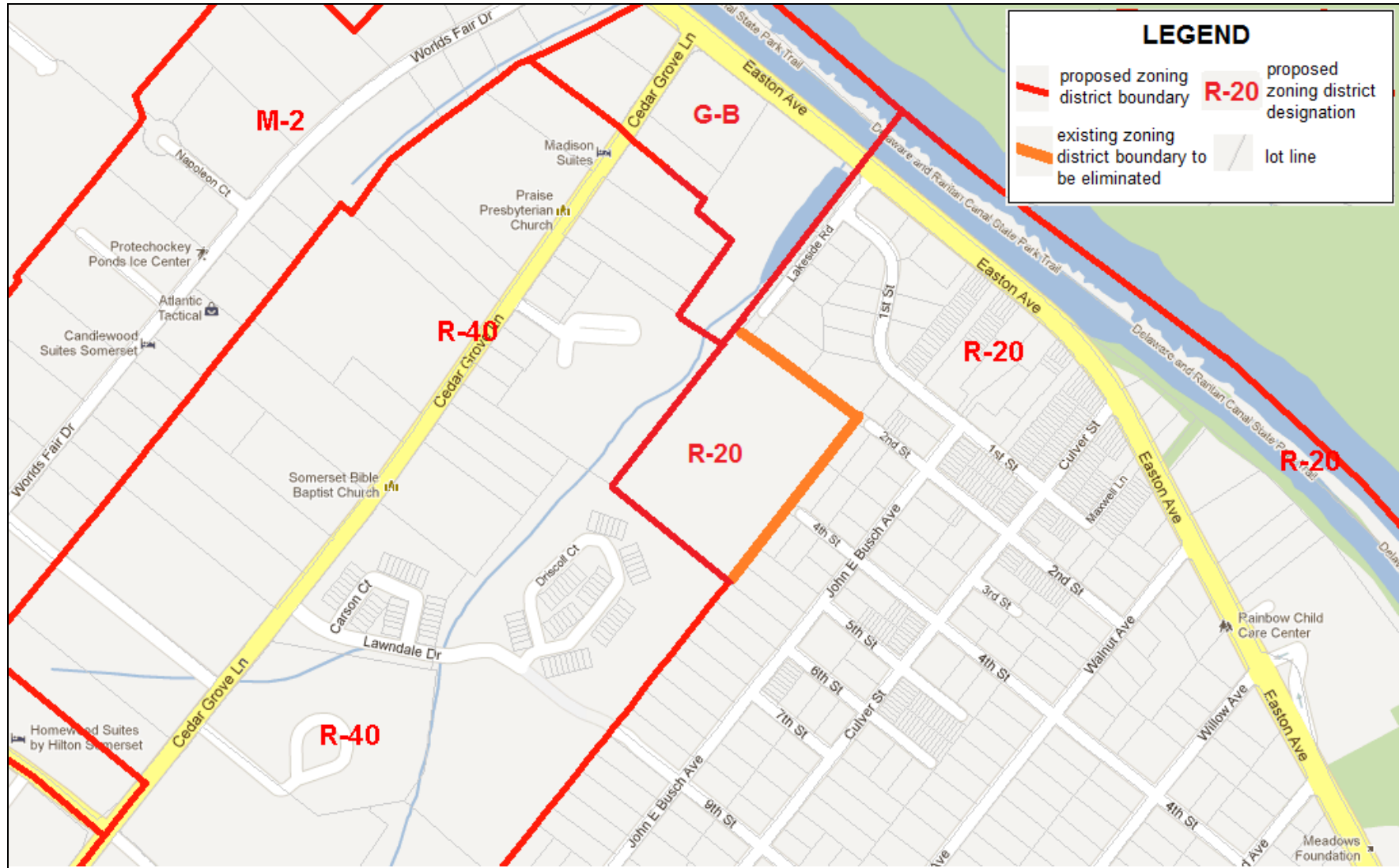
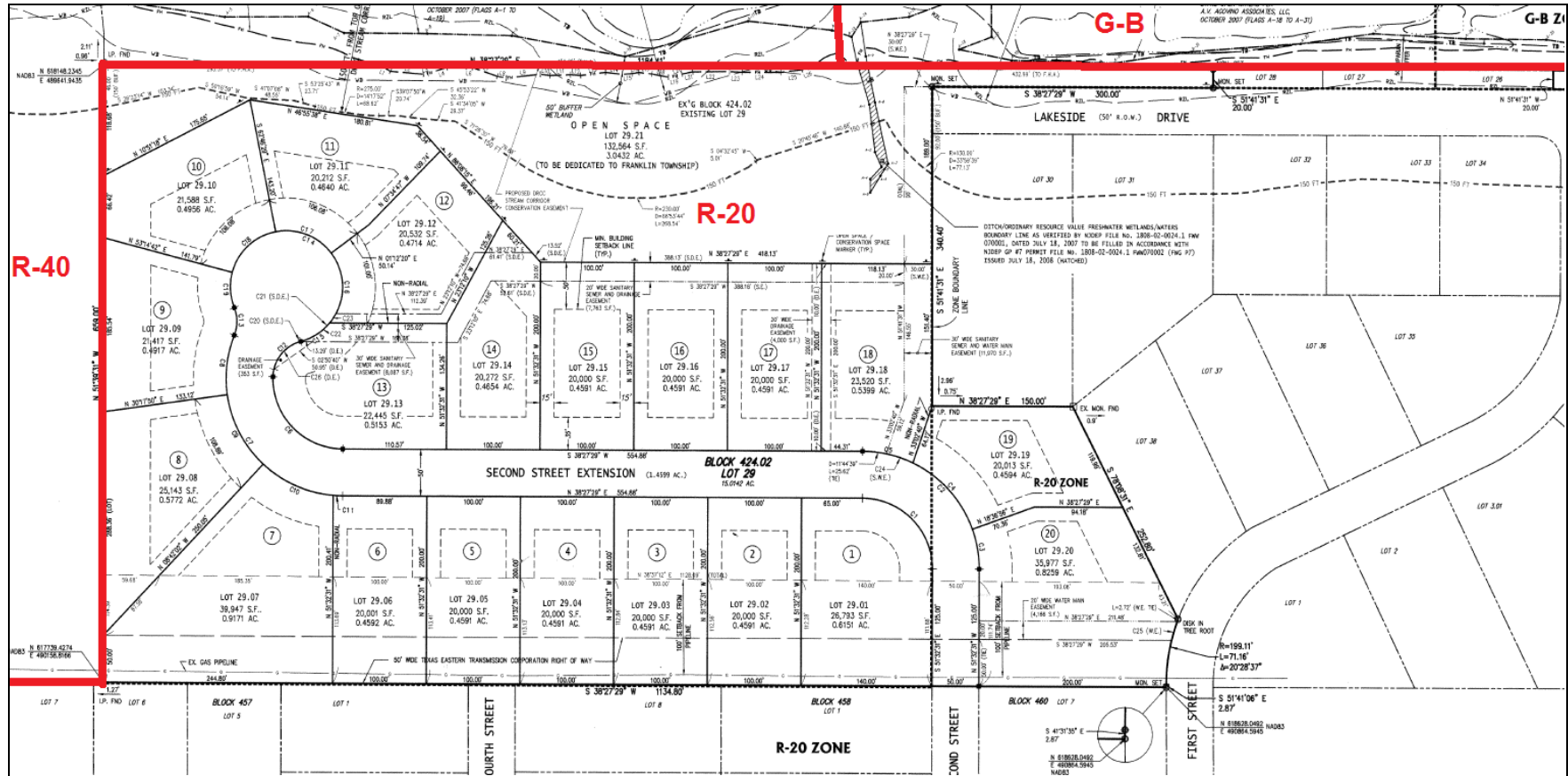


Figure 3: Proposed Zoning Map



Figure 4: Proposed Zoning with Approved Subdivision



Planning Report in Support of a Proposed Rezoning of Block 424.02, Lot 29
Located in the Township of Franklin, Somerset County, New Jersey

Prepared for Lakeside at Franklin, LLC



I. Purpose and Scope

This report was prepared on behalf of Lakeside at Franklin, LLC in support of its rezoning proposal for an approximately 15 acre property located in the Township of Franklin, Somerset County, New Jersey. The purpose of this report is to analyze the proposal from a planning and zoning standpoint.

As part of our analysis, we undertook the following tasks: an inspection of the subject premises; a survey of surrounding land uses; review of the Township of Franklin Zoning Ordinance and Zoning Map; and review of a use variance and major subdivision application for the subject property that was approved by the Township of Franklin Zoning Board of Adjustment¹.

The remainder of this report consists of four chapters. Chapter II discusses the existing conditions on the subject property, the development context within the surrounding area and the Township's planning and zoning policies. Chapter III outlines the key factors that support the proposed rezoning. Finally, Chapter IV sets forth the overall conclusions of the investigation.

¹ Township of Franklin Docket #: ZBA-08-00024.

II. Description of Subject Property and Surrounding Area and the Zoning and Planning Treatment of Same

A. General Description of the Subject Property

The subject property consists of approximately 15 acres which are currently wooded and undeveloped (an aerial view of the subject property is shown in Figure 1). The property is located within the eastern portion of the Township. Access to the property is provided via its frontage along First Street and Lakeside Drive, an existing paved road that terminates at the northeasterly boundary of the property and provides access to Easton Avenue.

The property is moderately sloped within its westerly portion and drains to the north. The easterly portion of the site is relatively flat. There is an underground gas line and right-of-way easement located along the easterly portion of the property, from which a 100 foot setback is required. An unnamed stream is located to the north of the subject property. A small wetlands area, which DEP approved to be filled, is located on a small section of the westerly portion of the property.

B. Surrounding Area

The area to the north and east of the subject property is located within the R-20 single-family residential zoning district. The existing development in this area is characterized by single-family detached dwellings. The area to the south and west of the property is developed with townhouse and multifamily residential uses. Despite the existence of high-density residential development, this area is actually located within the R-40 district which allows single-family dwellings on 40,000 square foot lots. A more detailed analysis of the development context is provided in the following chapter.

C. Existing Zoning

As shown in Figure 2, the subject property is split-zoned with approximately 13.5 acres located within the R-40 district and approximately 1.5 acres located within the R-20 district.² The R-40 district permits single-family detached residential uses with a minimum lot area of 40,000 square feet. The R-20 district permits same on lots with a minimum area of 20,000 square feet. The proposed rezoning would place the entire property within the R-20 district.

D. Treatment of Subject Property in the Franklin Township Master Plan

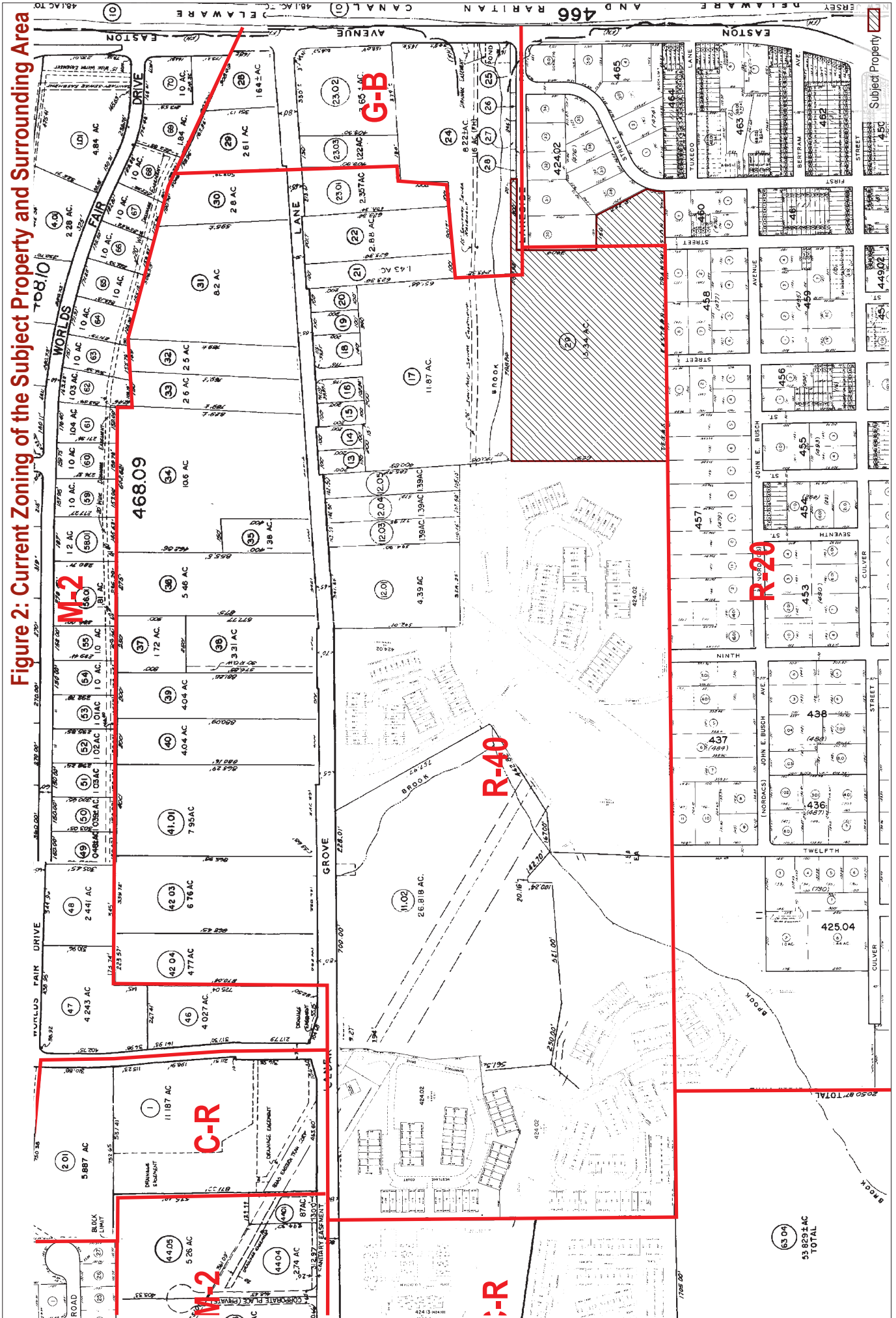
The Township of Franklin Master Plan, adopted in 2006, placed the subject property within the “R-40 Residential, Single-Family, Minimum Lot Areas of 40,000 Square Feet”

² Technically, a small sliver of land area located to the north of Lakeside Drive is located in the GB (General Business) district. This portion of the property is not considered developable due to its shape and location within a wetlands buffer area.

Figure 1: Aerial View of the Subject Property



Figure 2: Current Zoning of the Subject Property and Surrounding Area



land use designation (see Figure 3). This designation corresponds with the R-40 zone district. With respect to residential land uses generally, the Master Plan provides the following objectives:

- Encourage new construction and renovation, including accessory apartments, in revitalization and developed areas.
- Encourage the subdivision of larger lots into conforming lots in appropriate locations in developed areas.

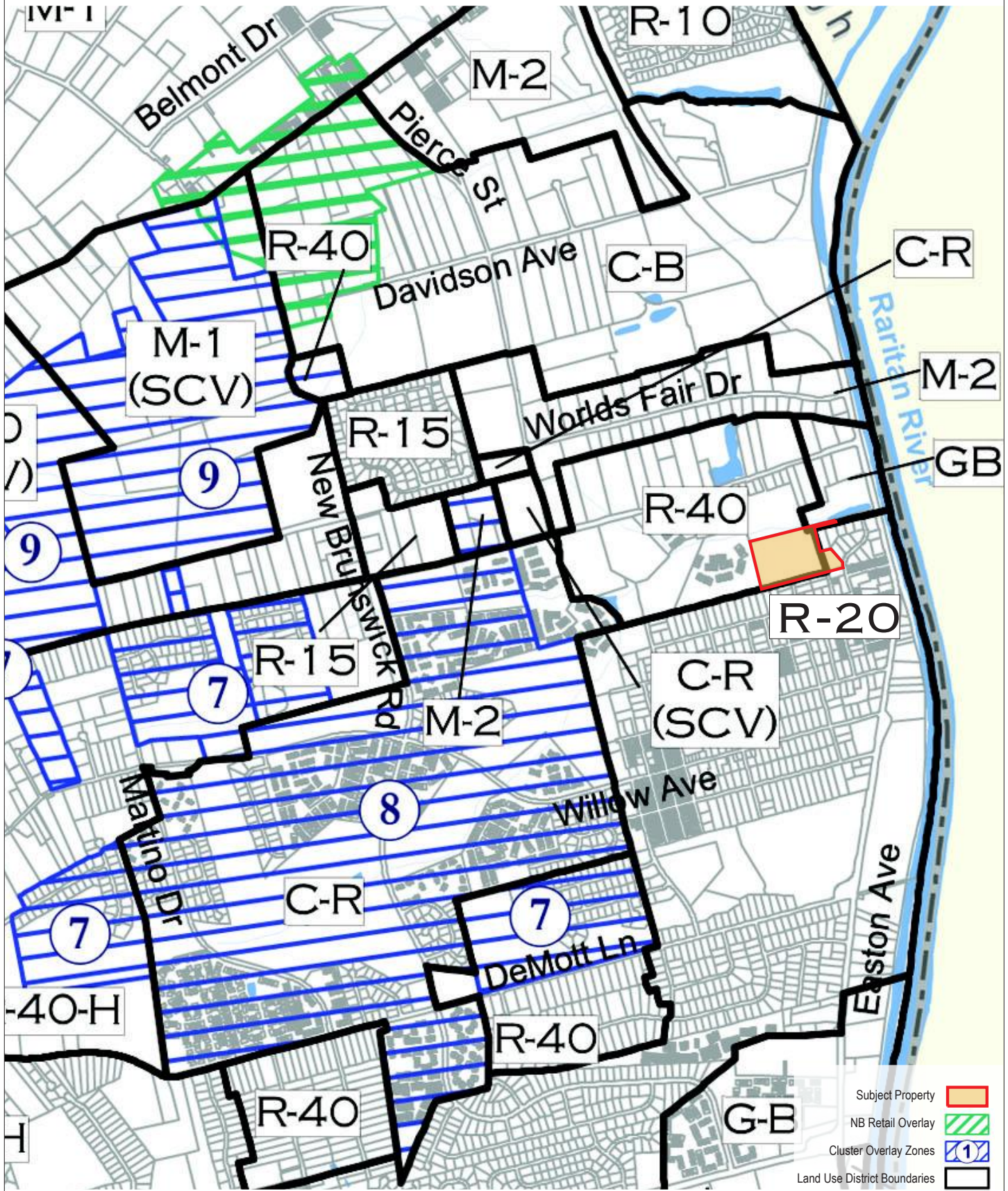
Several Master Plan amendments have been adopted since 2006, but do not contain any specific policies with respect to the subject property.

E. Use Variance and Subdivision Approval for the Subject Property

In 2010, Lakeside at Franklin, LLC was granted a use variance by the Franklin Township Zoning Board of Adjustment for the construction of 20 single-family detached residential dwellings consistent with the requirements of the R-20 district (i.e., minimum 20,000 square foot lots). The Board subsequently approved the applicant's major subdivision plan pursuant to the use variance.³

³ See Township of Franklin Docket #: ZBA-08-00024. Major subdivision approval pursuant to the use variance was granted by the Zoning Board of Adjustment on January 6, 2011.

Figure 3: Master Plan Land Use Plan



III. Planning Rationale in Support of the Proposed Rezoning

Lakeside at Franklin, LLC has proposed a rezoning of the subject property to the R-20 district. As described in the prior chapter, the property is currently split-zoned with approximately 90% of the land area located within the R-40 district. From a planning perspective, there are a number of compelling reasons why a rezoning of the subject property from R-40 to R-20 is justified.

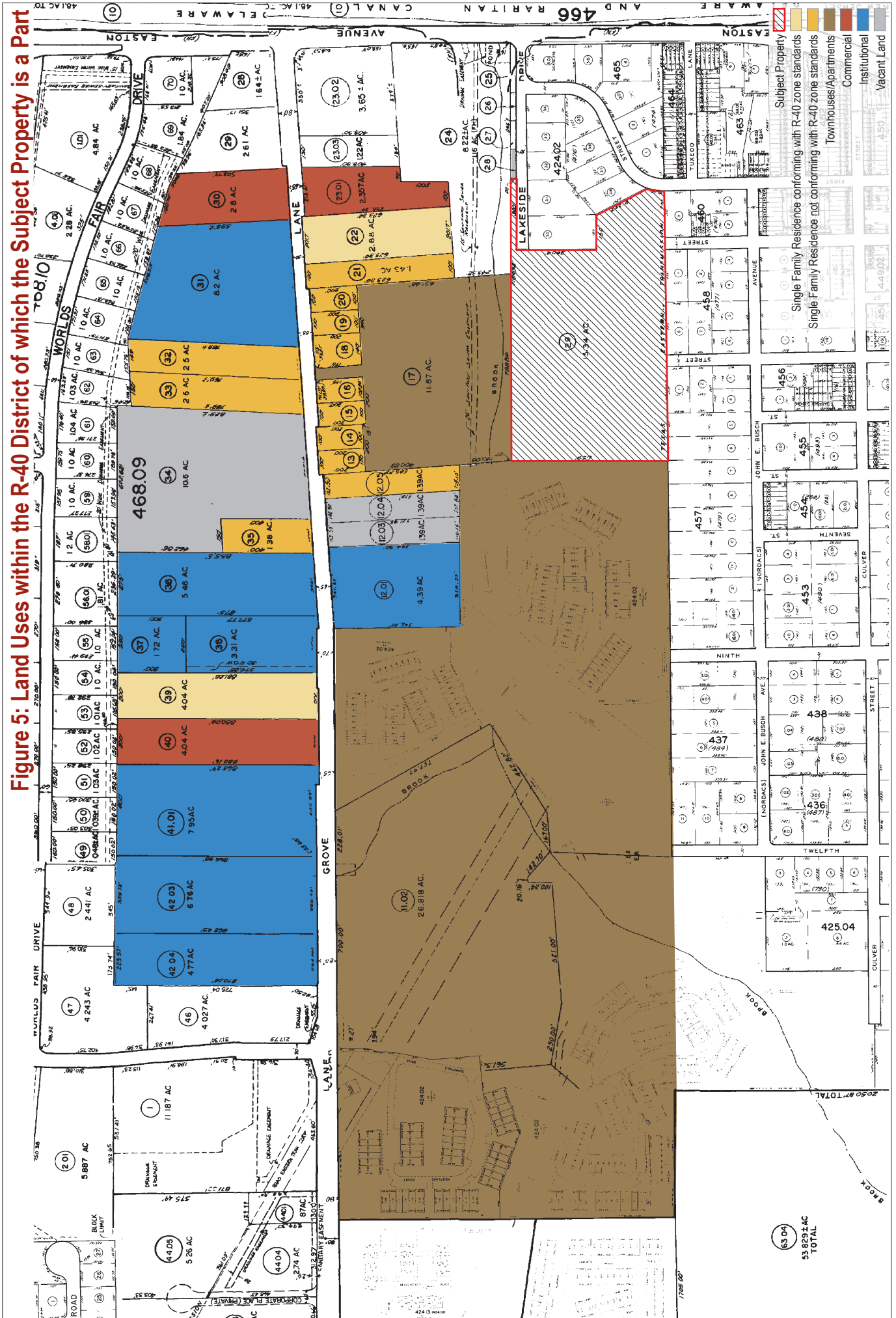
- 1. The property is effectively cut off from the balance of the R-40 district and relates more to the contiguous R-20 district.*

The subject property lacks access to Cedar Grove Lane (unlike all of the other properties in the R-40 district to the west) and is further separated by the stream corridor which runs along its westerly border. In addition, from an access perspective, the subject property is oriented to the R-20 district and not the R-40 district. As described in Chapter II, access to the subject property is provided via local roadways (e.g., First Street, Second Street and Lakeside Drive) which serve the adjacent R-20 district neighborhood located to the east and north of the property. Meanwhile, the rest of the R-40 district has access to Cedar Grove Lane. In sum, the property's physical features and access considerations create a barrier to the R-40 district and encourage a natural orientation to the R-20 district.

- 2. All of the lands that are immediately adjacent to the subject property have developed far more intensively than what the R-40 district permits.*

The area which adjoins the subject property is residentially developed. Moreover, while clearly residential in character, the abutting lands have developed far more intensively than what the R-40 district permits. In fact, as illustrated in Figure 5, the predominant land uses in the area directly west are townhouses and apartments. Even the single-family properties in the immediately surrounding area have been developed at a density much higher than the 1 acre standard (this point is further explained below). Put simply, the R-40 district requirements have little connection to the actual land use and development context that influences the subject lands.

Figure 5: Land Uses within the R-40 District of which the Subject Property is a Part



3. *To develop the subject property in accordance with R-40 district requirements would be inappropriate vis-à-vis the development context in this neighborhood.*

As shown in Figure 5, there are virtually no existing land uses in the surrounding area that are consistent with the 1 acre residential development envisioned by the R-40 district. The R-40 district properties to the south and west of the subject property are characterized by multifamily and townhouse uses. In fact, within the entire R-40 district there are only two lots which contain single-family residences that conform to the underlying zone standards (i.e., 40,000 square feet). The inappropriateness of the subject property for 1 acre development is exacerbated by the development context in the R-20 district to the north and east. The majority of these properties do not conform to the district's size and/or dimensional requirements and are thus non-conforming. Moreover, most of the houses in this area, while well maintained, are relatively modest in size (ranches and split-levels) and would appear on average to be smaller, than what could be developed as per the R-20 zone requirements. Therefore, to develop the subject property in accordance with the R-40 district would create an island of 1-acre residential lots surrounded by $\frac{1}{4}$ acre and $\frac{1}{2}$ acre single family dwellings and high-density townhouse and multifamily residential uses. In short, to develop the subject property to R-40 standards would be inappropriate in this neighborhood. Conversely, the development of the subject property consistent with R-20 district standards would be more in keeping with the character of the area (even though much of the surrounding area is developed at an even higher density).

Finally, it should be noted that the Franklin Township Zoning Board of Adjustment affirmed the above as part of its approval of the use variance application for the subject property. Specifically, the findings of fact enumerated in the Board's resolution of approval included the following statement:

The property is more in-kind with the R-20 zone notwithstanding its predominant R-40 zoning. This is true because this tract of land is essentially cut-off from the remainder of the R-40 zone and because the development property is connected to and essentially surrounded by an adjoining R-20-zoned neighborhood and would be functionally an extension of that single-family neighborhood and developed at density consistent thereto.

In summary, the subject property is clearly more appropriate for the R-20 district than the existing R-40 zoning based on access and connectivity considerations.

4. The rezoning would advance purposes of the Municipal Land Use Law and further municipal Master Plan and State Plan policies.

The rezoning of the subject property to the R-20 district would advance purposes “e” and “g” of the Municipal Land Use Law (to “promote the establishment of appropriate population densities and concentrations that will contribute to the well being of persons, neighborhoods and communities” and “to provide sufficient space in appropriate locations for a variety of residential uses and open space,” respectively).

Furthermore, the subject property is located in an area which is almost fully built out and has the infrastructure in place (e.g., sewer and public water) to support residential development on ½ acre lots. Finally, it should be mentioned that the rezoning is also consistent with the Smart Growth policies promulgated by the State of New Jersey Office of Planning Advocacy in that it directs growth to existing communities using existing infrastructure.

IV. Conclusion

The foregoing report examined a proposed rezoning of a 15 acre property located in the Township of Franklin, Somerset County, New Jersey. Based on an examination of the surrounding area as well as the subject property's physical and access characteristics, it is clear that the development of the property as per the underlying R-40 district would be inappropriate vis-à-vis the development context in this portion of Franklin Township. A rezoning to the R-20 district would enable the property to be developed in a manner consistent with the surrounding area. Furthermore, a rezoning to the R-20 district would advance several purposes of the Municipal Land Use Law.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, STATE OF NEW JERSEY, MORE PARTICULARLY CHAPTER 112, DEVELOPMENT, SECTION 112-6, ZONING MAP.

SUMMARY

This ordinance amends Chapter 112, Land Development, so as to change the zoning designation of certain properties in Block 424.02 from R-40 (Single-Family Residential) to R-20 (Single-Family Residential).

BE IT ORDAINED by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey that the Code of the Township of Franklin is hereby amended as follows:

SECTION I

Chapter 112, Land Development – Article II, Section 112-6, Zoning Map, Paragraph B, Official Zoning Map, is amended as follows:

The Official Zoning Map is amended to change the zoning designation of the following properties from R-40 (Single-Family Residential) to R-20 (Single-Family Residential): Lots 29.01 through 29.18 in Block 424.02, part of Lot 29.19 in Block 424.02 and part of Lot 29.21 in Block 424.02.

SECTION II

Each clause, section or subsection of this ordinance shall be deemed a separate provision to the intent that if any such clause, section or subsection should be declared invalid, the remainder of the ordinance shall not be affected.

SECTION III

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as the extent of such inconsistency.

SECTION IV

This ordinance shall take effect immediately upon adoption and publication according to law.

Ordinance No.

This is a true copy of an ordinance adopted by the Township Council, Township of Franklin, Somerset County, New Jersey.

Introduced:

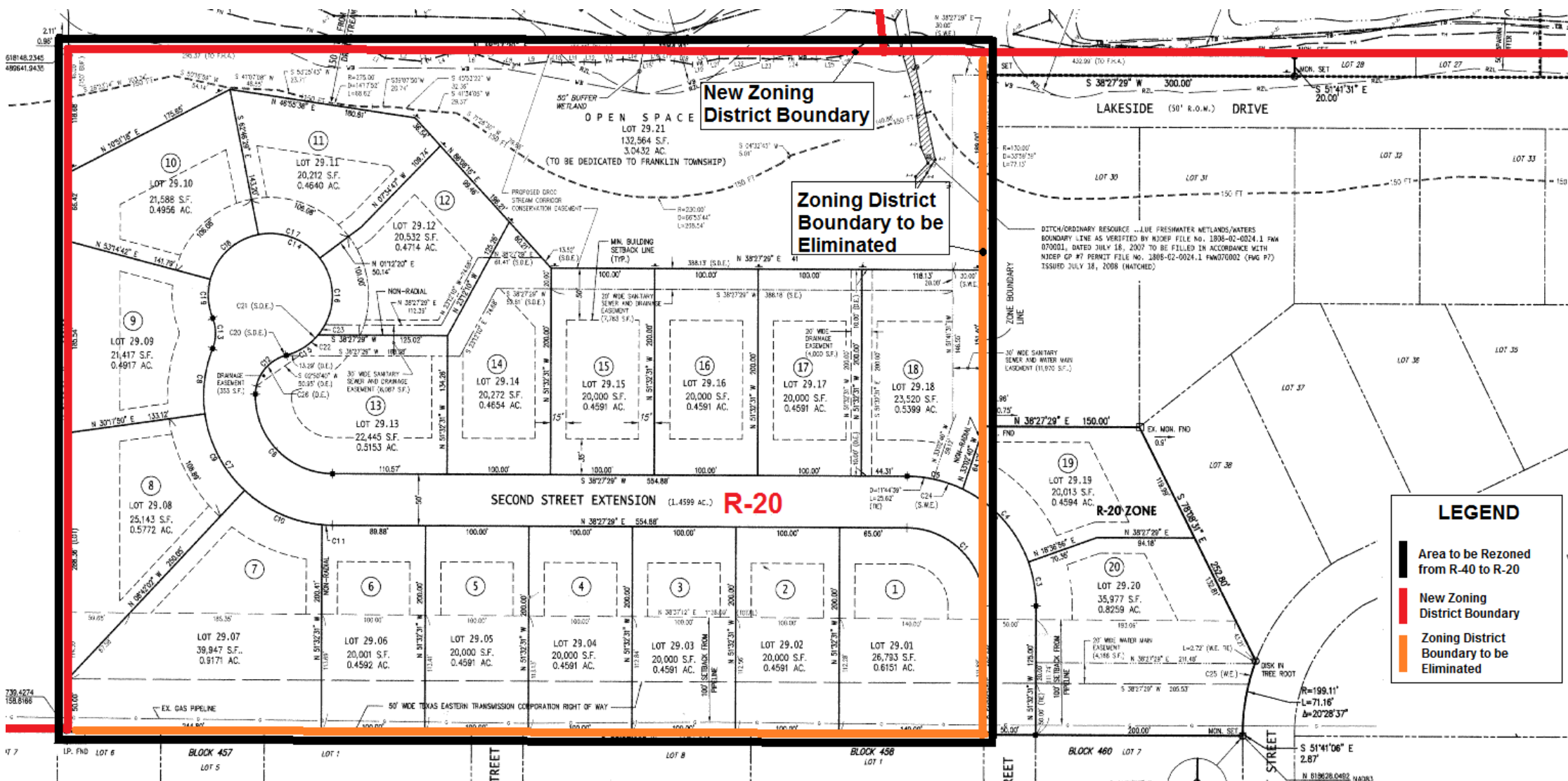
Public Hearing:

Adoption:

Published:

Effective:

Ann Marie McCarthy, Township Clerk



New Zoning District Boundary

Zoning District Boundary to be Eliminated

R-20

R-20 ZONE

LEGEND

- Area to be Rezoned from R-40 to R-20
- New Zoning District Boundary
- Zoning District Boundary to be Eliminated