

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

**REGULAR MEETING
June 5, 2019**

The regular meeting of the Township of Franklin Planning Board was held at 475 DeMott Lane, Somerset, New Jersey and was called to order by Chairman Orsini, at 7:30 p.m. The Sunshine Law was read, the Pledge of Allegiance said and the roll was taken as follows:

PRESENT: Councilman Chase, Carl Hauck, Meher Rafiq, Cecile Maclvor, Robert Mettler, Mustapha Mansaray, Charles Brown, Robert Thomas and Chairman Orsini

ABSENT: Jennifer Rangnow and Godwin Omolola

ALSO PRESENT: Mr. Peter Vignuolo, Board Attorney, Mark Healey, Planning Director, and Christine Woodbury, Planning & Zoning Secretary

MINUTES:

- **Regular Meeting – March 20, 2019**

Chairman Orsini made a motion to approve the Minutes as submitted. Mr. Thomas seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Ms. Rafiq, Vice Chair Maclvor, Mr. Mettler, Mr. Mansaray, Mr. Brown, Mr. Thomas and Chairman Orsini

AGAINST: None

- **Regular Meeting – April 3, 2019**

Vice Chair Maclvor made a motion to approve the Minutes as submitted. Mr. Mettler seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Ms. Rafiq, Vice Chair Maclvor, Mr. Mettler, Mr. Mansaray, Mr. Brown, Mr. Thomas and Chairman Orsini

AGAINST: None

- **Regular Meeting – April 17, 2019**

Chairman Orsini made a motion to approve the Minutes as submitted. Mr. Mettler seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Mr. Mettler, Mr. Mansaray and Chairman Orsini

AGAINST: None

RESOLUTIONS:

- **3 RONSON, LLC / PLN-19-00014**

Councilman Chase made a motion to approve the Resolution, as submitted. Mr. Mansaray seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Mr. Mettler, Mr. Mansaray and Chairman Orsini

DISCUSSION:

- **Area in Need of Rehab Study: Block 162, Lots 19-24, Block 163, Lots 1-20**

Mr. Healey then gave a brief overview of the Frank's Hardware site on Rte. 27 (Somerset Street). He indicated that the Township had CME Associates prepare an evaluation of that property to determine whether it met the statutory criteria for being deemed an area in need of rehab. He then explained that if it met the criteria, it would allow the area to be added to the Township's Redevelopment area. Mr. Healey added that they did have an application for the redevelopment for the Frank's Hardware site to turn it into an upscale storage facility with a retail pad in front and would allow for the potential redevelopment to occur. Assuming that the rehab designation moved forward, Mr. Healey stated that there would be changes to the redevelopment plan that would be brought to the Planning Board with concept plans with the opportunity for the Planning Board to discuss things like setbacks, buffers and other things that the Board would like to have integrated into the Redevelopment Plan. He then explained that that night's discussion was for a relatively straightforward exercise to determine whether the site meets the statutory criteria. Mr. Healey then told the Board that the area in need of rehab did not involve eminent domain.

Chairman Orsini then asked why the area needed to be added to the Redevelopment area to make any of the work there happen. Mr. Healey then told the Board that it was in the Redevelopment area and self storage was not permitted in that particular zone. He then added that, by law, you were not allowed to go before the Zoning Board to get

a Use Variance in a redevelopment area, but would have to change the Redevelopment plan to allow it in the zone. Mr. Healey told the Board that the self storage concept had been presented to the Redevelopment Agency and the Land Use Committee of Council who determined that it would be a positive addition to the Redevelopment area and wanted it to be presented to the Planning Board. He then stated that the reason they were doing the rehab was that the back portion of the site was presently a car junk yard and was not currently in the Redevelopment area so including it would bring the entire site into the Redevelopment area, thereby allowing the application to move forward.

Mr. Vignuolo, Board Attorney, stated that any application for redevelopment or rehabilitation had to go before the Planning Board. He then added that there were already some areas designated as needing rehabilitation and redevelopment and that there were still some areas that they wanted to add to that designation so that the entire area could be redeveloped.

After giving the background of the area and the site in question, Mr. Healey stated again that CME did a report on the site with many pages of maps and evaluating the condition of the property, noting the eligible criteria and that the property met two (2) of the criteria. The report included that the property met the two (2) criteria because a significant portion of the structures were in a deteriorated or substandard condition and that there was a pattern of vacancy and abandonment as well as an underutilization of properties in the area. Because of their investigation, Mr. Healey stated that CME felt that the property met the criteria to be designated in need of rehab and should be included in the Redevelopment area. He also told the Board that Council passed a resolution on May 14, 2019 that the property met the criteria and the situation was similar to when an ordinance was introduced where the next step was to come before the Planning Board for its recommendation back to Council. Mr. Healey then indicated that the Planning Board would be presented the concept plan and would be involved in drafting and working on the Redevelopment Plan and then reviewing the Site Plan. A discussion ensued among the Board. Mr. Healey indicated that having the property included within the Redevelopment area gave the Township more control by being able to designate a redeveloper and enter into a redevelopment agreement where there could be very specific controls and requirements over how and when they build something.

Mr. Brown expressed his concern that recommending the designation and allowing the rear portion of the Frank's Hardware site to now be included in the commercial zone there would further penetrate into the R7 residential zone. Mr. Vignuolo and Mr. Healey agreed that the rear portion of the site in question was currently a pre-existing, non-conforming commercial site in a residential zone. They then discussed how including this portion into the Redevelopment area would allow the Board control over how to reconfigure the site to better protect the residential neighborhood and provide a better situation than what currently existed.

As part of the Resolution, Mr. Healey indicated that the Board could offer recommendations, noting that the property in question abuts a residential zone and that

the Board would want sufficient buffers to protect that residential area. Mr. Vignuolo indicated, however, that the resolution that was before them that evening was focusing on whether or not the property met the criteria to be designated in need of rehab and included in the Redevelopment area. Mr. Healey stated that they would be provided with a concept plan afterwards that would give the Board an opportunity to review and scrutinize any plan much more thoroughly at a later date.

Chairman Orsini made a motion to agree with CME that the proposed site fits the criteria for an area in need of rehabilitation and recommend to Council that it be included in the Redevelopment Zone. Vice Chair Maclvor seconded the motion and the roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Ms. Refiq, Vice Chair Maclvor, Mr. Mettler, Mr. Mansaray, Mr. Brown, Mr. Thomas and Chairman Orsini

AGAINST: None

- **Resolution – Rehab for Block 162, Lots 19-24, Block 163, Lots 1-20**

Councilman Chase made a motion to approve the Resolution, and Mr. Thomas seconded the motion. The roll was called as follows:

FOR: Councilman Chase, Mr. Hauck, Ms. Refiq, Vice Chair Maclvor, Mr. Mettler, Mr. Mansaray, Mr. Brown, Mr. Thomas and Chairman Orsini

AGAINST: None

Mr. Thomas then opened a discussion regarding looking at the Redevelopment Plan as part of the Master Plan re-examination. A discussion ensued among the Board.

PUBLIC COMMENTS:

Mr. Mettler made a motion to open the meeting to the public for all comments and questions related to planning items not being discussed that evening. Vice Chair Maclvor seconded the motion and all were in favor. Seeing no one coming forward, Mr. Mettler made a motion to close the meeting to the public and was seconded by Vice Chair Maclvor. All were in favor.

COMMITTEE REPORTS

No reports were discussed.

WORKSESSION/NEW BUSINESS:

- **Master Plan**

Mr. Healey indicated that he was planning to go over three draft elements of the Master Plan that he said he had been working on for the past few years. He noted that the reports he was discussing that evening were up on the website as part of the Master Plan documents. He stated that that evening was just for discussion purposes and that he would be walking the Board through the three (3) documents, but that there would be future work sessions in the next weeks and months to review and make comments.

- **Environmental Resource Inventory**

Mr. Healey stated that the document was initially prepared in 2008 by Amy Green Consultants via a loan from the Association of New Jersey Environmental Commissions. He then told the Board that he had worked with the Environmental Commission who had gone through the 2008 version and identified a few pages of bullet points that need updating. Over a series of iterations, drafts, and meetings with the Environmental Commission, they worked together to make the document that was being presented to the Board that evening as up to date as possible. Mr. Healey then noted that it was an inventory and baseline of data maps intended to be a resource for re-zoning, open space preservation and other land use decisions and did not make any recommendations. He then told the Board that he would go through the climatology, geology, soils, series of tables, series of maps, water resources, wetlands, air quality, land use changes, wildlife (including threatened and endangered species), etc., that was about 100 pages in length.

- **Historic Preservation Plan**

Mr. Healey indicated that this plan was prepared last in the 2006 Master Plan, and noted that the plan shown was prepared working with the Historic Commission. He added that it was a new, comprehensive plan started from scratch and followed the requirements of the Municipal Land Use Law (MLUL) as well as Sustainable Jersey that the Township was participating with and which just submitted for new certification. Mr. Healey explained that Sustainable Jersey had much more stringent requirements, and that the Historic Preservation Plan followed those requirements.

Mr. Healey then told the Board that he was going to review the inventory, going through the text and then the maps showing the locations of the historic districts within the Township. He indicated that there were a number of locally designated districts as well as historic districts that were in the State and National Register of Historic Sites that included the Delaware & Raritan Canal (DRC), Kingston Village, Kingston Mills, Griggstown, East Millstone, Six Mile Run (a National Historic District), Middlebush Village, Franklin Park, Kings Highway (which overlapped Kingston), and Rocky Hill, Mr. Healey then went on to list individual structures within the Township that were individually listed on the National Register, including Rockingham, Tulipwood, Six Mile

Run Reformed Church, and Van Wyckle. He then spoke about a listing of sites and districts that were on the State and National Register of Historic places. Mr. Healey then told the Board that they had a Township-wide Historic Resources Inventory, with accompanying maps, that was put together by an intern who spent a summer looking at Township resources that included nomination documents, a County-wide historic survey, a historic structure survey for East Millstone as well as Griggstown, GIS data, Township tax maps, etc. He explained that all of these things were put together to try to come up with a comprehensive inventory of all of the historic structures in the Township, which ended up including 300 sites, and their assigned significance. He noted that the report included the Township owned resources as well as the scenic resources within the Township that had historic significance. Mr. Healey stated that those included Township designated Scenic Corridors that were listed with a map that shows their locations. Some of those included, according to Mr. Healey, were the Millstone Valley Scenic Byway that included Canal Road and Millstone Road that were included as a National Scenic Byway by the federal government, with Canal Road also designated as a New Jersey Scenic Byway. Mr. Healey then told the Board that the compilation of these was an asset to historic preservation as well as showing threats to historic preservation. Some of those threats he enumerated was maintenance to buildings, or more specifically lack of maintenance, the need for education and awareness, financial issues and tear downs

Mr. Mettler interjected by saying that the Historic Commission, at their June meeting, indicated that they were looking to work with Mr. Healey regarding the zoning of Franklin Park and the future of that historic district since the zoning of commercial almost leads people to buy a historic property and tear it down.

Mr. Healey then discussed key assets that included the Township's strong historic preservation ordinance and had been updated to comply with the Certified Local Government program, the presence of the Historic Preservation Commission and its membership, a number of active historic preservation organizations (Meadows Foundation), the Township's commitment to historic preservation, and the Township's Open Space and Farmland Preservation programs

Mr. Healey also spoke about Sustainable Jersey requiring the Township to evaluate its Master Plan and development regulations to see if they were compatible with historic preservation. He spoke about some major themes that run through the Master Plan, the Open Space Plan, the Farmland Preservation Plan and zoning that were all compatible with historic preservation, including keeping rural areas rural, preserving areas of scenic and historic value, preserving historic villages, preserving a buffer around historic hamlets and using non-zoning techniques such as not extending water and sewer into areas that were currently not developed. He added that the report spoke about the A (Agricultural) Zone (6-acre zoning), the CP (Canal Preservation) Zone that was set up specifically to protect the canal and the RR-5 (Rural Residential) Zone that had 5-acre zoning as well as the RR-3 (Rural Residential) Zone that had 3-acre zoning. The report, according to Mr. Healey, also spoke to innovative planning techniques that would include lot size averaging and cluster zoning.

Lastly, Mr. Healey then went through the recommendations that included the completion of the Township-wide inventory, evaluating historic district boundaries and consider designation of individual structures not currently located in historic districts, continuing to implement the village protection program that included the green belts around the historic hamlets, education, promoting rehabilitation, pursuing funding opportunities, fostering partnerships, keeping rural areas rural and maintaining historic village zoning. A discussion ensued.

- **Comprehensive Farmland Preservation Plan**

Mr. Healey indicated that the plan was similar to the other ones in that he said he worked with the respective advisory committee. He indicated that the present plan was the third version that had been put together after 10 years of working on the plan. Mr. Healey indicated that the State Agricultural Development Committee (SADC) had extremely detailed requirements for a plan and that they submitted this current version to their staff a number of months ago. He explained that they had some comments and that they had incorporated their comments so that they were now very confident that the Township had met their requirements with their 110-page document. Mr. Healey then discussed the inventory and the targeted farms, noting that the inventory consisted of preserved farms (1,224 acres), open space (Township, County or State) leased for farming (2,500 acres), farm assessed properties (3,800 acres), and two Rutgers owned farms (100 acres) for an almost 7,700 acres of farming or 30% of the Township. He indicated that there was a farmland soils assessment and that 93% of the Township had farmland-capable soils. Mr. Healey then explained that the analysis went through a similar analysis to the Historic Preservation Plan and how those elements were compatible with farmland preservation.

Mr. Mettler then brought up the Right to Farm ordinance and a discussion ensued.

Mr. Healey then drew the Board's attention to a map that showed the targeted farms in the Township, noting that they were located in the A-Agricultural Zone (6-acre zoning), the RR-5 Zone (Residential-5 acre zoning) and RR-3 Zone (3-acre zoning) as well as the CP-Canal Preservation Zone. He did note, however, that some were located in the R-40 Zone. He then showed the areas on the map indicating where there was water and sewer service, noting the more rural areas where the targeted farms were located did not have such service. Mr. Healey stated that the review was done with input from the Agricultural Advisory Committee. He then added that Tara Kenyon, Open Space Consultant, was instrumental in completing the plan. Mr. Healey then told the Board that there was a Spending Plan included that was on the 10-year horizon and envisioning the partnering with the County and State to acquire the properties targeted.

Mr. Mettler then brought up a discussion regarding the plan's purpose of not purchasing the property outright, but purchasing the development rights to the property in perpetuity. Mr. Healey stated that the purchase price was 60-80% of the land value and

that a permanent easement was then put in place where the land could only be used for farming, in perpetuity.

Mr. Healey stated that the plan would be to have a public hearing on the three (3) plans at some point in the future.

Mr. Thomas then discussed the Laird property that was supposed to have been preserved, but was now deteriorating. He conceded that there were probably so many conditions put upon the property that the developer was not able to make it work. He talked about the buildings on the property that were to be preserved and that it was the oldest and longest continually run business in the State of New Jersey, which started in 1827.

Chairman Orsini then asked what mechanism, if any, they had to either raise that level of historic preservation designation or if the Township could do something about it. A discussion with Board Attorney, Peter Vignuolo, ensued regarding whether the approval had expired. Chairman Orsini suggested that they look into the matter in more detail because the property was a very visible parcel.

The Chairman then discussed when they might have a public hearing for the three (3) elements of the Master Plan discussed that evening.

EXECUTIVE SESSION:

The Board did not enter into an Executive Session that evening.

ADJOURNMENT:

Vice Chair MacIvor made a motion to adjourn the regular meeting at 8:49 p.m. Chairman Orsini seconded the motion and all were in favor.

Respectfully submitted,

Kathleen Murphy, Recording Secretary
July 8, 2019