

2011 MASTER PLAN REEXAMINATION REPORT

**Township of Franklin
Warren County, New Jersey**

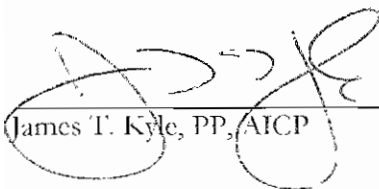
FRANKLIN TOWNSHIP LAND USE BOARD

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**DECEMBER 20, 2011
ADOPTED JANUARY 4, 2012**

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

Prepared by:



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TOWNSHIP OF FRANKLIN
MASTER PLAN REEXAMINATION REPORT
December 20, 2011

Introduction

1. The New Jersey Municipal Land Use Law (MLUL) (N.J.S.A. 40:55D-1 et seq.) provides that each municipality within the State of New Jersey periodically reexamine its Master Plan policies and assumptions, and its zoning restrictions and site plan and subdivision regulations, and prepare and adopt by resolution, a report on the findings of such reexamination. The Reexamination Report must include the following components (N.J.S.A. 40:55D-89):The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
2. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
3. 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.
4. 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.
5. The recommendations of the Land Use Board concerning the incorporation of redevelopment plans adopted pursuant to the “Local Redevelopment and Housing Law,” 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 current Franklin Township Master Plan was adopted by the Land Use Board pursuant to Article 3 of the MLUL (N.J.S.A. 40:55D-28) on November 6, 1991 and readopted on June 1, 1994. The Board subsequently adopted amendments to the Master Plan in March of 1999 and March of 2001 affecting the Land Use Plan Element. The Master Plan was last reexamined on December 6, 2006.

Since the time of adoption of the last amendment to the Master Plan, the assumptions, policies, and objectives upon which the Master Plan is based have changed by virtue of: a) the enactment of the Highlands Water Protection and Planning Act (“Highlands Act,” N.J.S.A. 13:20-1 et seq.) by the State Legislature on August 10, 2004; b) the adoption of the Highlands Regional Master Plan by the Highlands Water Protection and Planning Council (“Highlands Council”) on July 17, 2008, which became effective on September 8, 2008; [c) the requirement of the Highlands Act that municipal Master Plans and regulatory provisions be brought into alignment with the Highlands Regional Master Plan for lands located within the Highlands Preservation Area;] [d) the authorization within the Highlands Act for voluntary municipal Master Plan and regulatory conformance with the Highlands Regional Master Plan with respect to lands located within the Highlands Planning Area;] and e) the affirmative decision of the Franklin Township Governing Body to conform to the Highlands Regional Master Plan for municipal lands located in the Preservation Area as set forth by Resolution No. 2009-73 adopted on November 2, 2009.

Accordingly, the Land Use Board has reexamined the Township Master Plan and development regulations to determine the specific changes necessary to achieve consistency with the Highlands Regional Master Plan and thereby, to incorporate the specific changes in State policies, goals, and objectives as set forth by the Highlands Act. At this time it is the intent of this Report to identify the specific revisions needed to bring the Township Master Plan and development regulations into conformance with the Highlands Regional Master Plan. This Report does not address, in full, all issues identified in the Board’s previous reexamination of the Master Plan, dated December 6, 2006. Being that the Township has four more years to complete the next required reexamination (December 6, 2016), a more comprehensive report will be prepared at a later date.

1. Major Land Development Problems & Objectives

The major problems and objectives relating to land development in the Township at the time of the adoption of the last reexamination report which have changed, specifically as a result of the passage of the Highlands Act, the adoption of the Regional Master Plan, and/or the decision of the Governing Body to conform its planning documents to the Regional Master Plan, include the following:

- a. Lands to the north of Route 57 have been included in the Highlands Preservation Area and are subject to the policies and restrictions contained in the Highlands Water Protection and Planning Act (the Act) for that area.
- b. The existing Policies, Goals and Objectives of the Master Plan and the Land Use Plan Element do not contain specific reference to conformance with the Highlands Regional Master Plan for the Preservation Area, nor do they address the specific requirements for conformance to the Highlands Regional Master Plan.
- c. Current regulations, including those contained in the “Land Use and Development Ordinance of the Township of Franklin, Warren County, New Jersey”, do not address the policies and restrictions set forth in the Act. This includes the Zoning Map, which does not address inclusion of Highlands Zones and Subzones as a regulatory framework.
- d. The Township’s permit forms and checklist documents do not address specific requirements for development in the Preservation Area, nor do they address items required for exemptions from the requirements of the Act and Highlands Regional Master Plan.
- e. The Township’s 2007 Natural Resource Inventory does not address many of the resource factors related to environmental and resource protection outlined in the Highlands Regional Master Plan.

2. Extent of Reduction/Increase in Problems & Objectives

The extent to which each of the problems and objectives listed in item 1 above, have been reduced or have increased subsequent to the date of the last reexamination report, specifically as a result of passage of the Highlands Act, the adoption of the Regional Master Plan, and/or the decision of the Governing Body to conform its planning documents to the Regional Master Plan, is indicated below, in the same order provided at 1, above:

- a. The Township has petitioned the Highlands Council for conformance to the Highlands Regional Master plan for the Preservation Area only. Over the past 15 or so months, the Land Use Board and Township Committee have reviewed a

variety of documents required for conformance and have received public input as required.

- b. The Franklin Township Land Use Board will consider adoption of the Highlands Preservation Area Master Plan Element and the Environmental Resource Inventory. The Highlands Preservation Area Master Plan Element will updated the Policies, Goals and Objectives of the Township and ensure conformance with the policies and regulations of the Highlands Regional Master Plan.
- c. Subsequent to consideration and adoption of the Highlands Preservation Area Master Plan Element, the Land Use Board will forward ordinance amendments and zoning map amendments to implement the regulatory framework required for the Preservation Area. Drafts of the Highlands Area Land Use Ordinance have been reviewed by the Land Use Board extensively.
- d. Upon consideration and adoption of the Highlands Area Land Use Ordinance by the Township Committee, permit forms and checklists will need to be updated to accurately reflect Preservation Area requirements and exemptions.
- e. The Highlands Council has provided grant money to prepare a unified Environmental Resource Inventory that includes an update to the Township's Natural Resource Inventory and incorporates Highlands requirements. This will commence in 2012.

3. Significant Changes in Assumptions, Policies, Objectives

Since the adoption of the Township Master Plan in 1991, the passage of the Highlands Act, adoption of the Regional Master Plan by the Highlands Council, and the adoption by the Governing Body of its resolution to conform the municipal planning documents to the Regional Master Plan, have significantly altered and increased the objectives that must be addressed in the Township Master Plan, including but not limited to incorporating a variety of Highlands Resource protections, providing an emphasis on infrastructure and environmental carrying capacities, and initiating a substantial modification to the methodology to be used in determining permitted densities of development within the municipality. While the Land Use Board adopted a reexamination report in December of 2006, it only addressed the Highlands Act and Regional Master Plan in a broad sense, identifying the overarching goals and not necessarily adoption of the Highlands Element of the Master Plan and subsequent ordinance changes.

4. Specific Recommended Changes to the Master Plan

The Land Use Board recommends that specific changes to the Franklin Township Master Plan be adopted, including modifications to the underlying objectives, policies and standards,

all as outlined in detail, in the “Highlands Preservation Area Master Plan Element” approved by the Highlands Council as part of the Township’s Petition for Plan Conformance.

5. Specific Recommended Changes to Development Regulations

The Land Use Board recommends that the specific changes, as detailed in the document titled “Township of Franklin Highlands Preservation Area Land Use Ordinance,” approved by the Highlands Council as part of the Township’s Petition for Plan Conformance be adopted by the Governing Body to implement the objectives, policies and standards as outlined in the Highlands Preservation Area Element of the Master Plan.

6. Changes Recommended for Incorporation of Redevelopment Plans

At this time the Land Use Board makes no findings or recommendations regarding the incorporation of redevelopment plans pursuant to the Local Redevelopment and Housing Law, P.L. 11992, c.79 (C.40A:12A-1 et al.). As a result of ongoing study of potential redevelopment sites in the Preservation Area along the north side of the Route 57 corridor, certain lands south of corridor may be considered for redevelopment, whether through designation as an area in need of redevelopment or through amendment to the zoning ordinance. A subcommittee of the Land Use Board has begun to study sites that meet the criteria for a Highlands Redevelopment Area Designation as well as those that may qualify under the criteria set forth in the New Jersey Local Redevelopment and Housing Law.