

PEAC AMENDMENTS TO THE FRANKFORD TOWNSHIP MUNICIPAL SELF-ASSESSMENT REPORT

A. General Amendments to the Report

1. The Frankford Township Plan Endorsement Advisory Committee (“PEAC”) recommends that the Township review the boundaries and size of the proposed Frankford Center in response to (i) changing economic and housing-market conditions, (ii) the new revised Third Round COAH regulations, (iii) community and official concern that the currently proposed Center may be too large and too dependent upon various housing elements, (iv) the current fiscal status of the ballpark (v) OSG’s concern with the Township’s over-reliance on age-restricted housing, (vi) OSG’s request to make the mixed-use portion of the Center more compact, and (vii) OSG’s other concerns regarding the Center as outlined in its letter of January 7, 2008 to Mayor Robert McDowell. As the draft December 2007 Municipal Self-Assessment Report already states on page 56, “the design, zone boundaries and overall densities are still evolving in coordination with OSG and the Plan Endorsement process.”

The actual plan and design for the Center has changed considerably between 2000 and 2007 in response to community visioning, developers’ proposals, OSG suggestions, COAH mandates, efforts by the Land Use Board to develop actual Center plans, and various state or county-sponsored charrettes. The PEAC recommends that the Township conclude this process as part of Plan Endorsement. The PEAC asks that OSG understand that neither the April 2006 Frankford Center Plan nor the June 2007 Frankford Center Concept Plan Map incorporated in the draft December 2007 Municipal Self-Assessment Report necessarily reflects the final plan or design for the Frankford Center.

OSG should also know that a proposed outlet mall within the Center has created a great deal of controversy within the Township. The developers of the outlet mall believe that their project is consistent with a developer’s agreement with the Township executed in 2003 and 2004, and they rely upon their preliminary site plan application that was approved by the Land Use Board in 2006. Critics of the outlet mall claim that the Frankford Center was rejected by OSG in 2004 because of the mall, and that the preliminary site plan is inconsistent with the 2000 Master Plan, the 2004 Frankford Stakeholders Report, the 2005 Master Plan Reexamination Report, the April 2006 Frankford Center Plan, and even the revised June 2007 Center Plan prepared by the Land Use Board’s engineer and incorporated into the draft December 2007 Municipal Self-Assessment Report.

The preliminary site plan approval by the Land Use Board was expressly conditioned upon the redesign of the site plan to meet State and County approval, and the requirements of the Frankford Center as determined through the Plan Endorsement

Process - arguably creating sufficient room for compromise among the competing interests. The PEAC recommends that disagreements surrounding development at Ross' Corner be resolved within the visioning process and, to the extent possible, with the principals involved. In the end, the PEAC recommends that Frankford endorse a Center plan which first and foremost meets the needs of its residents and the surrounding communities - consistent with preserving the rural character of the Township.

2. The PEAC recommends that the Township review and reevaluate its proposed residential TDR program to properly evaluate the costs and benefits of a residential TDR program with the desired size of the Center's receiving area. If possible, a pre-market analysis should be conducted. During this process, the Township will consider the issues raised by OSG in its letter of January 7, 2007 to Mayor Robert McDowell.
3. The PEAC recommends that the Township review and evaluate the need to develop a commercial TDR program - particularly for commercial properties along U.S. Highway 206 and County Route 565.
4. Pursuant to the Sussex County Strategic Growth Plan, the Frankford Township Master Plan Reexamination Report and a letter from OSG Planning Director Paul Drake dated March 3, 2004, the Township has modified the commercial zoning on its two major highways, U.S. Highway 206 and County Route 565, to prevent strip development and to protect the environment. The following commercial uses are now prohibited on those Township roadways: strip malls, automotive service stations, repair garages and similar uses, drive-in and drive-thru restaurants and facilities, restaurants without wait-staff, box stores, junk yards, automobile dealerships and car washes.
5. The draft December 2007 Municipal Self-Assessment Report did not incorporate the March 30, 2005 Master Plan Reexamination Report adopted by Frankford Township on March 30, 2005 and Revised on May 14, 2005. The Reexamination Report is attached hereto.
6. The PEAC recommends that the Township review and update its Circulation Plan for the entire Township. Frankford has applied for a Future Smart Growth Grant for development of such a plan. In addition, the Circulation Plan should ensure adequate access for all Township residents to services in Branchville or the Frankford Center.
7. The Township recognizes the importance of preserving the quality of its water supply from its watersheds and its lakes (Lake Owassa and Culver Lake). The lake community homes are serviced by in-ground septic systems, and both lakes have volunteers that vigorously monitor lake water quality. Recently, the Frankford Board of Health enacted a more demanding septic ordinance that requires homeowners to bring old systems up to or as close to code as possible whenever a summer home is converted to an all-year residence or when an existing home is demolished and replaced by a new home.

However, there is more work that needs to be done. The Township's storm water plan must focus on reducing siltation and nutrient influx. The watersheds that supply the lakes and sustain the wells that provide the potable water to the lake communities will continue to need special attention and protection from future development. Actions should also be taken to mitigate invasive species in our lakes and watersheds, since these can impact property values and tourism. These actions are important not only for environmental reasons, but also for economic reasons, since the lake communities contribute approximately 33% of total assessed evaluations in the Township. Plan Endorsement could assist in this matter.

B. Specific Revisions to the Report

The December 2007 Municipal Self-Assessment Report should be revised as follows:

- a. Page 6 and Page 53 - Protecting the Environment in Frankford should include “protecting and preserving identified exceptional valued lands and waters. . .”
- b. Page 9 - Footnote 3 should include the Master Plan Reexamination Report dated March 30, 2005 (Revised: May 14, 2005).
- c. Page 10, Item 6 - The Township is not committed to creating a “Town Center” as stated. Rather, the Stakeholders Report recommended a “Village Center” under the State Plan and the April 2006 Frankford Center Plan did not expressly commit to either a “Town” or “Village” Center. The Stakeholders provided that “because the center will serve the consumer needs of residents living both within and outside of the Village Center, the center’s commercial component will be larger than one might normally expect in a village – while still meeting the State’s criteria for a Village Center.”
- d. Page 11 - The History of Plan Endorsement Process should clarify the fact that the Executive Director and the Planning Director for OSG in a memorandum dated May 21, 2004 did not recommend center designation for Frankford Township to the State Plan Implementation Committee because “the scale, design and arrangement of the proposed development - and most specifically the outlet mall - are difficult to support within the context of a Town Center.” OSG stated “that there are alternatives to ‘the suburban style’ shopping center plans that are being considered locally.” OSG also stated that “if the mall itself is problematic to the eventual approval of a petition for Plan Endorsement - then the township and the developers need to know this now - rather than to put off this concern until PE.”
- e. Page 28 – The map on this page shows our Parks and Natural Areas.

- f. Page 29 & Page 49 - The Frankford Center Concept Plan map on these two pages was created by the Land Use Board's engineering firm (not the Plan Endorsement Advisory Committee) based on prior plans/charrettes and was presented to the Land Use Board at a meeting of the Board. Although the Board opened the meeting up to the public, there was no significant public visioning with respect to this particular concept plan, and there was no community consensus around this concept plan.
- g. Page 30: The map on this page shows our Farmland Assessed and Preserved areas.
- h. Page 30 - Frankford Center will be the receiving, not the sending, area for the TDR program.
- i. Page 36 - Woodlands and Other Habitats. It is important for the State to note that Frankford Township residents, conservation and sportsmen's groups worked closely with Green Acres and DEP to expand the Bear Swamp Wildlife Refuge Area by assisting the State in its purchase of the 852 acre Culvermere property. The undeveloped Culvermere property consists of rolling hills covered with oak, beech and maple forest. It is laced with small and large wetlands, and occupies an important position in the watershed of Bear Swamp Wildlife Management Area, Lake Owassa, Culver Lake, Kemah Lake and ultimately the Paulinskil River. This property is important habitat for black bears, turkeys and whitetailed deer; endangered and threatened species, including bobcats, are reported to inhabit this area; barred owls and the northern goshawk nest here; and the hills and wetlands are habitat for species of reptiles and amphibians that are of concern to state and federal environmental agencies.
- j. Page 42 - The PEAC recommends that Frankford not request a waiver for the Visioning Process as part of Plan Endorsement.
- k. Page 47 - Stakeholders Committee Report. The Stakeholders recommended a "Village Center" for Ross' Corner and that the Center "shall not contain large box stores, a shopping mall, or other dominant uses which would change the rural character of Frankford Township." The Stakeholders recommended that "the Frankford Village Center shall be a mixed-residential and commercial community which shall serve as a central gathering place and community identity for Frankford Township. It shall be economically viable – producing a net gain in tax revenues for township residents. The center shall be developed at village scale, oriented to the pedestrian for shopping and services based upon a coordinated street plan with limited access from the major transportation corridors of State Highway 206 and County Route 565."

- l. Page 49 – see note f.
- m. Page 64 - There are two matters that need some clarification. First, the December 2007 Municipal Self-Assessment Report is partially correct that the current plans for Frankford Center “go beyond” the community vision and that the community vision initially sought densities which were much lower. The Plan Endorsement process will provide the Township with the opportunity to revisit the size and density of the Center. However, while the State was, at one point in time, partially responsible for suggesting that the Center be enlarged, the Township was also unable to implement timely ordinances for a mixed-use, pedestrian-oriented Center that reflected its Master Plan vision. This inability to pass the Center ordinances may have also created confusion both locally and with the State.
- n. Page 65, Item 7 - The revised commercial zoning for US Highway 206 and County Route 565 need to be updated as per Paragraph 4 above.
- o. Page 82 - The COAH requirements and calculations need to be updated.
- p. Page 86 - With respect to the Center Criteria and Policies section, the Center Plan map on page 88 and the data on pages 89 through 90 may be modified if the Center boundaries and densities are modified.
- q. Page 89 - Whether or not Frankford Township and the Frankford Center have sufficient existing or planned infrastructure depends on the size of the Center and more definitive water and sewage testing, approval of a sewage treatment plant, and an updated Circulation Study.

COMMENTS FROM THE FRANKFORD TOWNSHIP LAND USE BOARD

1. The Cover Letter to the Office of Smart Growth (OSG) states “The report was not yet the product of the Plan Endorsement Advisory Committee (PEAC), which had been recently formed and had not had the opportunity to review the report.” This sentence is referring to the prior PEAC in 2007. The second part of the sentence is incorrect. Each member of the PEAC did receive a copy of the Municipal Self Assessment Report and made comments at a PEAC meeting. There were five members of the prior committee, three of which worked along with the Self Assessment process and the remaining two members did receive the final report, reviewed it and made comments.
2. It was noted that under section “A. General Amendments to the Report, Section 1”, paragraph 3 should be deleted because it is also stated in section “B. Specific Revisions to the Report, subparagraph d. Another member of the Land Use Board stated that both should be left in because the statement under General Amendments is a summary of the two sides in the township and the statement under Specific Revisions, just states the actual revision. It was further noted that subparagraph d should state “...the scale, design and arrangement of the proposed development-and most specifically the *layout* of the outlet mall are difficult to support...” It was noted that OSG never had a problem with “the mall”; however, it was the layout and circulation plan of the design.
3. Under “General Amendments, paragraph 4 states “Pursuant to long-standing recommendations of OSG, the Township has modified the commercial zoning on its two major highways, U.S. Highway 206 and County Route 565, to prevent strip development and to protect the environment.” A board member did not agree with “Pursuant to long-standing recommendations of OSG” portion of the sentence. He felt that OSG never recommended this change. OSG recommended concentrating growth at the center and preventing urban sprawl. There are only 6 properties left for development on Route 206, which he feels does not make urban sprawl. It was suggested to change this paragraph to begin “Pursuant to the Sussex County Strategic Growth Plan and the Frankford Township Reexamination Report.”
4. Under Specific Revisions, paragraph k which refers to the Stakeholders Committee Report. It was noted by a board member that this did not involve community consensus.
5. Paragraph 7 under General Amendments should end after the second sentence. The following should be added to the paragraph “The Township recognizes the importance of continued high quality water for its lakes and streams and we would ask in the process of plan endorsement that items be identified that requires solutions that could benefit this.”
6. A board member referred to Item B under specific revisions to the Report, paragraph f, which states in part: “Although the Board opened the meeting to the public, there was no significant public visioning with respect to this particular concept plan, and there was no

community consensus around this concept plan.” Members of the board agreed that there was a sufficient visioning process.

7. Paragraph q under Specific Revisions states “Whether or not Frankford Township and the Frankford Center have sufficient existing or planned infrastructure depends on the size of the center and more definitive water and sewage testing, approval of a sewage treatment plant, and an updated Circulation Study.” It was noted by the board that the land owners at Ross’ Corner have done significant testing for water and sewer and there is enough there for whatever size the center is at Ross Corner. These reports are available in the township records.

COMMENTS FROM THE FRANKFORD TOWNSHIP COMMITTEE

The PEAC's report is on the mark. In addition, the approach of taking the existing report and adding comments, updated information and corrections, without the need to spend more time and money to rewrite what has been done, is appreciated. There are several additions and corrections.

Update to be added – The Township's Open Space Committee is currently in contract with the Morris Land Conservancy to update the Frankford Open Space Plan. This plan will be reconfigured and updated to recognize the unique position of the Township's watersheds (Paulinskill and the Wallkill Rivers) and the lands and waters that influence the water quality of these resources. The impacts of open space on tourism and the township businesses will be expanded in the plan. This update has been supported by the Township Committee with approval of the budget and the application for a planning grant from Association of New Jersey Environmental Commissions (ANJEC) which was recently awarded in the amount of \$6000.

Comment

It is important for the visioning process to be directed at obtaining consensus on the size and scope of the proposed Township Center. In the view of many, the size of the proposed center has evolved into a large non-village scale development with much of the focus on residential development. Now, with the new COAH requirements, the impact of the development may exceed the vision of maintaining the rural character of Frankford. In addition, the property tax implications need to be understood by all residents of the Township. It is time for us to come together as a Township to finalize the residents' view of future development, not just the Center but the entire Township. This will also help with the update of the Township's Master Plan, which will be needed soon.

Correction – Page 36 of the Self Assessment Report references the Bear Swamp Refuge. Change it to Bear Swamp Wildlife Management Area. This is the correct name.