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# Master Plan Reexamination Report

For

**Frankford Township**  
Sussex County, New Jersey

March 30, 2005

Revised: May 14, 2005

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This report has been signed and sealed in the original in accordance with N.J.A.C. 13:41 - 1.3

  
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LI005150, AS00621

## **Frankford Township Land Use Board 2005**

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Harold Pellow, PE, Township Engineer  
Richard Clark, Esq. Land Use Board Attorney  
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## Reexamination Report:

**1.00 Introduction:** The Municipal Land Use law (MLUL) under N.J.S. 40:55D-89 requires each municipality to periodically reexamine their Master Plan at a minimum of every six years. The importance of the Master Plan is clearly documented in the MLUL as the basis for establishing the policies and directives for the decision making process in zoning and capital spending in local government.

**1.01 Evaluation Criteria:** The following five criteria have been established in the Municipal Land Use Law in evaluating municipal Master Plans.

**1.01-a. "The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report." MLUL.**

The Land Use Board completed a major comprehensive Master Plan Update adopted November 29, 2000 prepared by Harold E. Pellow and Associates of Augusta, New Jersey and David R. Troast, LLC of Hawthorne, New Jersey. The goal was to identify the major land use issues through the public planning process. The prior major update of the Frankford Township Master Plan occurred in September of 1978 with periodic reviews and changes as required under the MLUL. The 2000 Plan was comprehensive and provided the basis for related decisions by the Governing Body and Planning and Zoning Boards.

1.01-a.1. The Master Plan recognized the need to control and manage conventional subdivisions to reduce the threat to the rural farming character of Frankford Township.

1.01-a.2 The 2000 Master Plan identified the need to be consistent with the New Jersey State Plan and the Sussex County Strategic Growth Plan. The two documents were a work in progress and not completed at the time of adoption of the Frankford Master Plan. All the plans called for planned growth in "Centers" specifically at the proposed "Center" at Ross' Corner.

1.01-a.3. The Master Plan recommended the inclusion of age restricted housing in the planned center at Ross' Corner consistent with the purposes of zoning under NJSA 40:55D-2.

1.01-a.4. Opportunities for light industrial uses should be expanded.

1.01-a.5. Recommended the implementation of Community Design Standards in the ordinance to promote early American architecture in the community.

1.01-a.6. Recommended modifications to commercial zones to restrict gasoline service stations and other conditional and accessory uses.

1.01-a.7. Recommended the elimination of commercial zoning and the potential of strip malls along various roads specifically County Route 565.

1.01-a.8. Continue with the application for certification before the Council on Affordable Housing.

1.01-a.9. The preparation of an Open Space Plan was recommended.

1.01-a.10. Monitor Watershed Management rules and impacts on planning and zoning.

**1.01-b. "The extent to which such problems and objectives have been reduced or have increased subsequent to such date." MLUL.**

1.01-b.1. The Agriculture Residential Zone was modified to a density of 1 unit per 5 acre with a constraints option and a cluster option to encourage the preservation of the rural and farmland character of Frankford Township.

1.01-b.2. The Township petitioned for center designation at Ross' Corner before the State Planning Commission. The Commission rejected the proposed Frankford Center and the modified concept plan in May 2004 because of the center's emphasis on intense commercial retail development with no mix of housing in the core of the project. In recommending denial of Frankford's petition on May 21, 2004, the Office of Smart Growth stated, "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. We believe that there are alternatives to 'the suburban style' shopping center plans that are being considered locally." There was also significant public opposition to the size and scale of the proposed center and, in particular, the large regional outlet mall as the center's core. A Stakeholders Committee representing all sectors of the township was formed after the state's rejection of Frankford's petition to provide input to the Land Use Board and Township Committee regarding future development at Ross' Corner. (Source: Memorandum to Members of State Plan Implementation Committee, From Adam Zellner Ex. Director and Paul Drake Planning Director, May 21, 2004.)

1.01-b.3 The Township has continued with the process of affordable housing Certification with the Council on Affordable Housing by passing the Resolution of Intent to file for Round Three Growth Share by December 2005.

1.01-b.4 The Open Space Committee prepared and adopted an Open Space and Farmland Preservation Plan in 2002.

1.01-b.5 The Township is preparing a Storm Water Master Plan and ordinances as required by the new Storm Water Management Rules.

1.01-c. “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.”

1.01-c.1. The economic development surge of the mid to late 1990’s and the **Highlands Act** of 2004 has made developable land scarce and has forced the development pressure further west into western Sussex County along the major road corridors. Frankford Township has experienced steady growth in the past, but the demand for housing in the region will increase pressure to develop the rolling farmland into traditional housing developments.

1.01-c.2. The State Planning Commission Adopted “**The New Jersey State Development and Redevelopment Plan**” on **March 1, 2001**. The plan was the first major update and revision of the June 12, 1992 State Plan, which was a response to the State Planning Act signed into law on January 2, 1986. The State Plan designated Frankford Township as a limited growth area in Planning Areas 4 and 5. The Plan calls for growth to occur in “Centers” tied to existing or potential infrastructure and transportation. The current Master Plan of Frankford Township has proposed a Town Center at Ross’ Corner, which needs to be modified to be generally consistent with the “Center” criteria in the State Plan. The Center criteria require a job to housing ratio consistent with the size of the “Center” providing the appropriate mix of commercial uses and housing types.

1.01-c.3. Sussex County received a “smart growth “ grant from the Department of Community Affairs to develop a **Strategic Growth Plan** for the County. Frankford Township has participated in the planning process and minor revisions are required to the Master Plan in response to the planning concepts and issues identified in the County Plan. The existing highway commercial zoning along State Highway 206 and County Route 565 including the proposed “growth center” at Ross’ Corner is inconsistent with the current municipal Master Plan and policies of the new County Plan.

1.01-c.4. The Council on Affordable Housing released **Round Three known as “Growth Share” in November of 2004**. The mandated affordable housing obligation for each municipality is calculated based on one (1) affordable unit per eight (8) new market units and one (1) affordable unit for every 25 jobs created by non-residential development. Frankford Township has petitioned the Council On Affordable Housing for the previously assigned obligation for Rounds One and Two.

1.01-c5. The Township should continue to comply with the new Storm Water Management Regulations by adopting the required Master Plan element and ordinances.

1.01-c.6. The New Jersey Legislature authorized the use of Transfer Development Rights under the "State Transfer of Development Rights Act," P.L.2004, c.2 (C.40:55D-137 et seq.). The Township has received a "Smart Growth" grant to revise the plan for the proposed "Frankford Center" at Ross' Corner including the use of transfer development rights as a planning tool to further preserve the rural farm character consistent with the State Plan.

1.01-c.7. Frankford Township submitted to the State Planning Commission in June of 2004 a resolution converting the Frankford Township Center Petition to an application for Initial Plan Endorsement in light of the Town Center rejection. The State Planning Commission accepted the request.

**1.01-d. "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." MLUL.**

1. The Master Plan and Ordinances should be updated to address the changes in the New Jersey State Development and Redevelopment Plan Adopted March 1, 2001. Specifically the proposed "Center" at Ross' Corner.
2. Modifications to the current Master Plan and new Ordinances are required to address Round Three of COAH to be consistent with the State Plan and to satisfy the affordable housing "Growth Share" obligation. The Township should continue to petition COAH on the pending submission concerning the affordable obligation under Rounds One and two.
3. The Township should implement the vision of a village center based on a "main street" concept to be consistent with the Sussex County Strategic Growth Plan, which identifies the area as a growth area. Modifications to the Master Plan are desired to implement related policies including Transfer Development Rights or Credits.
4. Residential Densities and "smart growth" techniques such as Transfer Development Rights or Credits should be examined to meet the challenges of managing growth, while retaining viable farmland and protecting environmentally sensitive land and water resources. This specifically relates to the development of the Frankford Center at Ross' Corner as a receiving area.
5. Commercial Recreation Zone should be changed to eliminate the intense growth potential in the "Environs" to be consistent with "smart growth" policies of the New Jersey State Plan and the Sussex County Strategic Growth Plan.
6. The Township should continue to update the Land Use Regulations recommended in the existing Master Plan and develop additional regulations/ordinances for the proposed recommendations and modifications identified in this report.

7. The Township should apply to the State Planning Commission for Initial Plan Endorsement.
8. Review parcels of land for future location of community facilities including a Block 82, Lots 7 and 8 for a firehouse location. Modify the Master Plan and Land Development Ordinances.

**1.01-e. "The recommendations of the Land Use Board concerning the incorporation of redevelopment plans adopted pursuant to the Local Redevelopment and Housing law, N.J.S. 40A:12A-1 et seq., 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." MLUL.**

The Frankford Township Land Use Board adopted by resolution on July 21, 2004 the Redevelopment Plan in the matter of the Heritage Development Group for a property known as the Methodist Manor (3 Phillips Road) on Block 48.02, Lots 4.02 and 4.06 as shown on the Tax Map of Frankford Township. The approval permits the renovation of the existing structure creating 50 rooms with approximately 65 beds with a 20% set aside for low and moderate affordable housing units.

**1.02 Conclusion:** The Reexamination Report provides the vehicle to evaluate the existing policies and plans of a municipality in the context of the State, region, county and within the municipality.

**The conclusion of this Reexamination Report is for Frankford Township to proceed with the recommended modifications to the Master Plan and Land Use Regulations. It is further recommended to proceed immediately with the proposed modifications to Land Use Regulations consistent with the existing Master Plan to protect the integrity of the Plan.**