



Borough of Franklin Lakes 2010 Master Plan Reexamination Report

**Prepared by the Borough of Franklin Lakes Planning Board in consultation with
PHILLIPS PREISS GRYGIEL LLC / Planning & Real Estate Consultants**



Adopted September 15, 2010

**2010 MASTER PLAN
REEXAMINATION REPORT**

**BOROUGH OF FRANKLIN LAKES
BERGEN COUNTY, NEW JERSEY**

Prepared by

Borough of Franklin Lakes Planning Board

in consultation with

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I. Introduction

Planning Context

The Borough of Franklin Lakes is a nearly ten-square mile suburban municipality located at the outer edge of New Jersey's most populous county. Like many other communities in Bergen County, Franklin Lakes benefits from its proximity to New York City, yet its separation from more urbanized areas contributes to its distinct character. It is a municipality typified by suburban homes, a modest downtown, some corporate offices and limited commercial areas, as well as a number of lakes, ponds, parks, recreation facilities, and open spaces. Franklin Lakes is also traversed by two major highways (Interstate Route 287 and New Jersey Route 208) and a freight railroad, which may one day see the restoration of passenger service.

There are some issues facing Franklin Lakes, however. The amount of vacant and underutilized land in the community has been substantially reduced due to continued residential development. The Borough's central business district could benefit from improvements, and there is a need to maintain the viability of the non-residential tax base. In addition, changes to the Borough's zoning map are needed to address inconsistencies between land use classifications, zoning designations and actual land uses. There has also been an ongoing need to respond to changes in state affordable housing mandates. More broadly, changes in economy have had impacts at the local level.

Document Overview

The Borough of Franklin Lakes Planning Board has commissioned the preparation of this Master Plan Reexamination in order to address these and other issues, as well as to address the requirements of the Municipal Land Use Law (MLUL) of the State of New Jersey. The MLUL at N.J.S.A. 40:55D-89 mandates that a municipality's governing body shall, at least every six years, provide for a general reexamination of its master plan and development regulations by the planning board, which shall prepare and adopt by resolution a report on the findings of such reexamination.

There are five elements which the reexamination report must include:

- 1) A section outlining the major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
- 2) A section describing the extent to which such problems and objectives have been reduced or have increased subsequent to that date.
- 3) A section discussing 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) A section setting forth the recommended changes to 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) A section setting forth the recommendations of the planning 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 most recent master plan reexamination for the Borough of Franklin Lakes was adopted in 2004, meaning the Planning Board must adopt a Reexamination Report in 2010 in order to comply with N.J.S.A. 40:55D-89.

Therefore, the Planning Board retained a consultant to prepare a new reexamination. The planning process has incorporated extensive review of existing conditions and documents, as well as public meetings. This process also will incorporate the recently adopted Environmental Resource Inventory for the Township into the Master Plan.

Summary of Recommendations

This document includes recommendations for both small and large changes, which can be implemented through amendments to zoning and other actions. The Master Plan Reexamination's key ideas and initiatives can be summarized as follows:

- Certain modifications have been made to the Master Plan's goals and objectives to reflect current conditions.
- The Borough's recently adopted Environmental Resource Inventory (ERI) has been incorporated into the Master Plan, with particular emphasis on its resource protection goals. A new section of the Land Use Ordinance is recommended to be created to implement some of the recommendations of the ERI.
- An Existing Zoning Map has been prepared that accurately shows all of the zoning districts in the municipality. Specifically, the MF-AH1 Multifamily - Affordable Housing, MF-AH2 Senior Citizen Multifamily - Affordable Housing and the REC Recreation zones have been mapped, two lots at the end of Tice Road that were recently rezoned from I-2 to RB are shown in their new zoning district and the correct designation is provided for the OB-RL zone. It is also recommended that the name of the MF-AH2 zone be amended to reflect the change in status of the development in that zoning district that resulted from a change in State law.
- The existing RB Retail Business zone is recommended to be divided into two separate zones that better reflect the particular characters. Various changes are proposed to the use and bulk standards for one of these new zones, the RB-1 district.
- The rear portion of the Franklin Crossing Shopping Center, currently located in the I-1 zone, is recommended to be placed in the same zone as the front portion of the property (RB, or the new RB-1 zone if such a zone is created).
- It is recommended that the Borough's existing two industrial zones be consolidated into one zone, which would retain the I-1 Industrial designation. A number of changes are suggested for the permitted uses in this zone.
- A new zone combining attributes of the existing industrial and retail business zones is recommended to be created for the remaining two lots on Tice Road currently located in the I-2 zone.

The remainder of this document includes discussion of the above topics and addresses the relevant requirements for a reexamination report.

II. Major Problems and Objectives Relating to Land Development in the 2004 Master Plan Reexamination

The overall goals of the Borough of Franklin Lakes' 2004 Master Plan Reexamination were to preserve the existing low-density residential character of the Borough, protect its environmentally sensitive features and revitalize the central business district. These goals generally reinforce those outlined in the 1998 Master Plan Reexamination Report, and are summarized below, along with their related policy statements from the 2004 Reexamination. Note that in some instances below the language does not reflect current conditions, standards or objectives, as this section simply restates information from the 2004 Master Plan Reexamination as required by the Municipal Land Use Law.

Goal/Policy Statement 1 from 2004: To maintain and enhance existing areas of stability in the community; to encourage a land use pattern that establishes areas which have their own uniform development characteristics. A principal goal of the 2004 Plan was to preserve and protect the residential character and existing density of the community, and reinforce the Borough's commercial business areas, by restricting incompatible land uses from established neighborhoods, and limiting intensities of use to the levels prescribed in the Plan.



Goal/Policy Statement 2 from 2004: To guide development along the Route 287 corridor and its associated interchanges in

Franklin Lakes is a stable suburban community with excellent community facilities, parks, open spaces and other amenities that enhance residents' quality of life.

Franklin Lakes in a manner that encourages low-density detached residential development and discourages commercial development. Development of this area should be consistent with the map designations shown on the Land Use Plan map. Those non-residential uses that currently exist within the Borough, and are likewise designated as such on the Land Use Plan map, are an exception and their continuation affirms a long-standing policy of the Borough.

Goal/Policy Statement 3 from 2004: To ensure that any prospective development and/or redevelopment is responsive to Franklin Lakes' environmental features. The 2004 Master Plan Reexamination affirmed the Borough's goal to limit development in steeply sloped areas (defined as any slope with a minimum 15% grade), wetlands and floodplains, as well as retain existing vegetation (particularly trees with a caliper of six inches or more and clusters of trees which may be of lesser caliper, if deemed appropriate).

Goal/Policy Statement 4 from 2004: To ensure that any future development of the community's infrastructure be limited to accommodate the Borough's present level of intensity of development as identified in the Plan, except for the provision of sufficient infrastructure to accommodate the redevelopment of the central business district, as envisioned in the adopted central business district plan. This goal was modified in the 2004 Master Plan Reexamination to reflect the adoption of the central business district plan by the Borough.¹

¹ This statement appears to be erroneous, as the Planning Board has no record of such a plan being adopted.

Goal/Policy Statement 5 from 2004: To encourage and provide buffer zones to separate incompatible land uses. This goal promotes the use of appropriate buffers to minimize adverse impacts to residential and other properties, which can be accomplished through adequate open space buffer widths with planting elements, such as multiple rows of plant materials and planting clusters, and supplemented by aesthetically pleasing fencing, where appropriate.

Goal/Policy Statement 6 from 2004: To promote the detached residential cluster of development in areas characterized by environmentally sensitive features and extensive woodland vegetation as a means of preserving steep slopes, wetlands, wooded area, retaining open space and reducing infrastructure costs. This goal supports the use of cluster development to permit greater flexibility in subdivision design, and consequently more creative design for the development of sites identified in the 2004 Plan; its intent is not to encourage increased development intensity on these sites.

Goal/Policy Statement 7 from 2004: To discourage the creation of flag lots in the Borough. The Borough continues to maintain that flag lots result in the overutilization of properties and hinders emergency service access.

Goal/Policy Statement 8 from 2004: To preserve the spacious setting of housing sites that characterize the Borough's residential areas. This goal reaffirms support for the prevailing development pattern, with broad minimum lot widths and side yard setbacks between detached dwellings, including broader minimum side yard setbacks as linear building dimensions increase, as a proportion of total lot width.

Goal/Policy Statement 9 from 2004: To preserve and enhance the Borough's central business district by defining its functional role in the community; to enhance the quality of life within the commercial center through an appropriate mixture of activities; to introduce circulation improvements that advance the flow of traffic, improve property utilization and encourage pedestrian activity; to encourage the utilization of specified design elements identified in the Master Plan; to permit a reasonable level of development in the business district; and to encourage the consolidation and expansion of off-street parking to provide greater convenience for shoppers and reduce conflicting traffic movements on Franklin Avenue. This goal was modified in the 2004 Master Plan Reexamination to recognize the need for circulation improvements that will increase the ease of traffic and pedestrian movements in the central business district.

Goal/Policy Statement 10 from 2004: To address the community's housing obligation in a manner consistent with other goals and objectives set forth herein. At the time of the 2004 Master Plan Reexamination, the Borough had adopted its COAH "Second Round" housing element and fair share plan, which received a judgment of repose in 2001; the Borough expressed its intention to review the housing element and fair share plan upon the expiration of its judgment of repose.

Goal/Policy Statement 11 from 2004: To promote a safe and efficient traffic circulation system that serves the community, while retaining the community's country setting within the overall framework of a two-lane circulation system. There are deficiencies within the existing circulation system that impede traffic flow. The 2004 Master Plan Reexamination supports improving the effectiveness of certain intersections, while avoiding substantive road widening that could have a negative impact on the character and country setting of the community.

Goal/Policy Statement 12 from 2004: To preserve the historic features of the Borough as an integral part of the community's unique character. This goal was modified in the 2004 Master Plan Reexamination to include: "in the event that the preservation of a particular resource conflicts with other Borough goals, the significance of the particular resource should be weighed relative to the nature of the conflicting goal."

Goal/Policy Statement 13 from 2004: To support the overall philosophy of the State Development and Redevelopment Plan (SDRP) as a means of providing growth management on a state-wide basis while retaining the principles of home-rule. The 2004 Master Plan Reexamination reaffirmed the Borough's support for the general principles set forth in the SDRP.

In addition, two planning and zoning recommendations were made as part of the 2004 Master Plan Reexamination. First, to help further the Borough's goals with regard to the central business district, it was recommended that consideration be given to rezoning two parcels located at the end of Tice Road from the I-2 Industrial zone to the Retail Business zone (Block 1518, Lot 10 and Block 1519.01, Lot 1). Second, the 2004 Reexamination recommended the definition of "tree" in the Borough Zoning Ordinance at §18-126B(1)d should be revised to "any living tree having a single or multi-stemmed trunk with a diameter (caliper measure) of 6" or greater, measured at three feet above natural grade."²

² The definition of "tree" is now located in § 300-124B(1) of the Land Use Ordinance.

III. Current Status of Problems and Objectives Set Forth in the 2004 Master Plan Reexamination

This chapter examines the extent to which there have been significant changes in the problems and objectives forming the basis for the 2004 Master Plan Reexamination, as described in Chapter II of this current Reexamination Report.

The overall goals of the Borough of Franklin Lakes' 2004 Master Plan Reexamination, which were to preserve the existing low-density residential character of the Borough, protect its environmentally sensitive features and revitalize the central business district, remain valid in 2010. Each of the goals outlined in the 2004 Reexamination as described in Chapter II is listed below, followed by a discussion of its current status.

Goal/Policy Statement 1 from 2004: To maintain and enhance existing areas of stability in the community; to encourage a land use pattern that establishes areas which have their own uniform development characteristics. A principal goal of the 2004 Plan was to preserve and protect the residential character and existing density of the community, and reinforce the Borough's commercial business areas, by restricting incompatible land uses from established neighborhoods, and limiting intensities of use to the levels prescribed in the Plan.

Status in 2010: *This goal remains valid as a general guiding principle. The Planning Board recognizes that mixed-use development and somewhat greater density may be appropriate in the central business district as recommended in the Borough's adopted Housing Element and Fair Share Plan and elsewhere in this Reexamination Report. However, development intensity should be limited to the recommended levels set forth in this Reexamination Report and the implementing zoning regulations.*



The Master Plan recommends continuation of the land use policies that have successfully limited the intrusion of highway commercial development from Interstate Route 287 and New Jersey Route 208.

Goal/Policy Statement 2 from 2004: To guide development along the Route 287 corridor and its associated interchanges in Franklin Lakes in a manner that encourages low-density detached residential development and discourages commercial development. Development of this area should be consistent with the map designations shown on the Land Use Plan map. Those non-residential uses that currently exist within the Borough, and are likewise designated as such on the Land Use Plan map, are an exception and their continuation affirms a long-standing policy of the Borough.

Status in 2010: *This goal remains valid.*

Goal/Policy Statement 3 from 2004: To ensure that any prospective development and/or redevelopment is responsive to Franklin Lakes' environmental features. The 2004 Master Plan Reexamination affirms the Borough's goal to limit development in steeply sloped areas (defined as any slope with a minimum 15% grade), wetlands and floodplains, as well as retain existing vegetation (particularly trees with a caliper of six inches or more and clusters of trees which may be of lesser caliper, if deemed appropriate).

Status in 2010: This goal remains valid as a general guiding principle, with certain modifications. The word "limit" may be more properly replaced with "manage." In addition, the Planning Board believes the threshold of eight inches for tree caliper in the current definition of "tree" is more appropriate than six inches. It is also noted that while a 15% grade is a minimum threshold for steep slopes, there are three categories of steep slopes (15 to 19.99%, 20 to 24.99% and 25% or greater) that are treated differently in the Zoning Ordinance. Lastly, the categories and thresholds for environmentally sensitive areas should be consistent with those listed in the Borough's recently adopted Environmental Resource Inventory.

Goal/Policy Statement 4 from 2004: To ensure that any future development of the community's infrastructure be limited to accommodate the Borough's present level of intensity of development as identified in the Plan, except for the provision of sufficient infrastructure to accommodate the redevelopment of the central business district, as envisioned in the adopted central business district plan. This goal was modified in the 2004 Master Plan Reexamination to reflect the adoption of the central business district plan by the Borough.

Status in 2010: This goal remains valid. It is noted that the Northwest Bergen Utilities Authority has proposed to extend its sanitary sewer network to serve the downtown area of Franklin Lakes, and the Borough has been evaluating the proposal to ensure it is consistent with local objectives.

Goal/Policy Statement 5 from 2004: To encourage and provide buffer zones to separate incompatible land uses. This goal promotes the use of appropriate buffers to minimize adverse impacts to residential and other properties, which can be accomplished through adequate open space buffer widths with planting elements, such as multiple rows of plant materials and planting clusters, and supplemented by aesthetically pleasing fencing, where appropriate.

Status in 2010: This goal remains valid. Buffer requirements should be correlated with the "no disturbance areas" ordinance now being considered.

Goal/Policy Statement 6 from 2004: To promote the detached residential cluster of development in areas characterized by environmentally sensitive features and extensive woodland vegetation as a means of preserving steep slopes, wetlands, wooded area, retaining open space and reducing infrastructure costs. This goal supports the use of cluster development to permit greater flexibility in subdivision design, and consequently more creative design for the development of sites identified in the 2004 Plan; its intent is not to encourage increased development intensity on these sites.

Status in 2010: There are only two zones in Franklin Lakes that permit the use of cluster zoning techniques: the A-130 and A-40C zones. Cluster developments have been constructed in both of the two locations of the A-40C zone. This goal should be maintained in the Master Plan. However, any new or revised zoning regulations crafted to implement this recommendation should be carefully designed to reflect the language of this goal and maintain appropriate design characteristics.

Goal/Policy Statement 7 from 2004: To discourage the creation of flag lots in the Borough. The Borough continues to maintain that flag lots result in the overutilization of properties and hinders emergency service access.

Status in 2010: This goal remains valid.

Goal/Policy Statement 8 from 2004: To preserve the spacious setting of housing sites that characterize the Borough's residential areas. This goal reaffirms support for the prevailing development pattern, with broad minimum lot widths and side yard setbacks between detached dwellings, including broader minimum side yard setbacks as linear building dimensions increase, as a proportion of total lot width.

Status in 2010: This goal remains valid.

Goal/Policy Statement 9 from 2004: To preserve and enhance the Borough's central business district by defining its functional role in the community; to enhance the quality of life within the commercial center through an appropriate mixture of activities; to introduce circulation improvements that advance the flow of traffic, improve property utilization and encourage pedestrian activity; to encourage the utilization of specified design elements identified in the Master Plan; to permit a reasonable level of development in the business district; and to encourage the consolidation and expansion of off-street parking to provide greater convenience for shoppers and reduce conflicting traffic movements on Franklin Avenue. This goal was modified in the 2004 Master Plan Reexamination to recognize the need for circulation improvements that will increase the ease of traffic and pedestrian movements in the central business district.

Status in 2010: This goal remains valid.

Goal/Policy Statement 10 from 2004: To address the community's housing obligation in a manner consistent with other goals and objectives set forth herein. At the time of the 2004 Master Plan Reexamination, the Borough had adopted its COAH "Second Round" housing element and fair share plan, which received a judgment of repose in 2001; the Borough expressed its intention to review the housing element and fair share plan upon the expiration of its judgment of repose.

Status in 2010: This goal remains valid. The Borough's COAH "Second Round" Housing Element and Fair Share Plan adopted in 2001 has been replaced by its "Third Round" plan, which was adopted in late 2008. Franklin Lakes petitioned COAH in December 2008 for certification of this plan and is awaiting a decision as to whether this certification will be granted. The Borough has addressed its housing obligation consistent with COAH's current rules, but should be prepared to revise its plan should there be changes to the state's affordable housing mandates.

Goal/Policy Statement 11 from 2004: To promote a safe and efficient traffic circulation system that serves the community, while retaining the community's country setting within the overall framework of a two-lane circulation system. There are deficiencies within the existing circulation system that impede traffic flow. The 2004 Master Plan Reexamination supports improving the effectiveness of certain intersections, while avoiding substantive road widening that could have a negative impact on the character and country setting of the community.

Status in 2010: This goal remains valid.

Goal/Policy Statement 12 from 2004: To preserve the historic features of the Borough as an integral part of the community's unique character. This goal was modified in the 2004 Master Plan Reexamination to include: "in the event that the preservation of a particular resource conflicts with other Borough goals, the significance of the particular resource should be weighed relative to the nature of the conflicting goal."

Status in 2010: This goal remains valid.

Goal/Policy Statement 13 from 2004: To support the overall philosophy of the State Development and Redevelopment Plan (SDRP) as a means of providing growth management on a state-wide basis while retaining the principles of home-rule. The 2004 Master Plan Reexamination reaffirmed the Borough's support for the general principles set forth in the SDRP.

Status in 2010: The Master Plan continues to support the general principles of the SDRP. However, most of Franklin Lakes is currently located in PA-1, the Metropolitan Planning Area, according to the SDRP. This planning area also covers much of Bergen County, including densely developed communities. It is noted that the population density of Franklin Lakes according to the 2000 Census is 1,142 people per square mile. The figures are much higher for a number of Bergen County municipalities, including Fort Lee (14,435), Hackensack (10,451), Teaneck (6,449) and even Ridgewood (4,204), yet all of these municipalities are located in the same state planning area. It is strongly recommended that the portions of the Borough located in PA-1 be placed in PA-2 (Suburban Planning Area) or PA-3 (Fringe Planning Area), which more accurately reflect the established character and population density of Franklin Lakes.

In addition, the following two planning and zoning recommendations were made as part of the 2004 Master Plan Reexamination:

To help further the Borough's goals with regard to the central business district, consider rezoning two parcels located at the end of Tice Road from the I-2 Industrial zone to the Retail Business zone (Block 1518, Lot 10 and Block 1519.01, Lot 1).

Status in 2010: An ordinance making this change was introduced by the Mayor and Council in 2005, but was not adopted at that time. This zoning change was subsequently enacted in 2010.

The definition of "tree" in the Borough Zoning Ordinance at §18-126B(1)d should be revised to "any living tree having a single or multi-stemmed trunk with a diameter (caliper measure) of 6" or greater, measured at three feet above natural grade."

Status in 2010: The definition of "tree," which is now located in § 300-124B(1) of the Land Use Ordinance, was modified in 2005. The threshold in the current definition is eight inches, which the Planning Board finds to be appropriate.



Franklin Lakes is a large municipality with low population density and a variety of natural features, yet the State Plan classifies it the same as much more densely developed communities.

IV. The Extent to Which There Have Been Significant Changes in Assumptions, Policies and Objectives Forming the Basis for the Master Plan or Development Regulations as Last Revised

For the most part, the goals and objectives which formed the basis for the Borough’s Master Plan as last revised remain valid at the present time. However, some changes have occurred that impact Franklin Lakes, as described in this chapter.

The Borough has remained generally stable in terms of population and development. Table 1 shows Franklin Lakes’ population increased by over four percent between 2004 and 2008 according to State estimates. A more accurate figure for the current population will be determined by the 2010 Census.

Table 1: Estimated Population, Borough of Franklin Lakes, 2004 to 2008

Year	Residents	Change	
		Number	Percent
2004	11,127	--	--
2005	11,146	19	0.17
2006	11,147	1	0.01
2007	11,502	335	3.19
2008	11,619	117	1.02
Change, 2004 to 2008		492	4.42

Source: State of New Jersey, Department of Labor and Workforce Development

Table 2 indicates that there was an average increase of 41.2 dwellings per year from 2003 to 2008 as determined by building permits, although this number is skewed by the addition of 100 multifamily units in 2006. The average number of one- and two-family unit building permits issued per year from 2004 to 2008 is 31.0. Table 3 shows that there was an average of 24.8 residential demolitions per year from 2003 to 2008.

Table 2: Residential Building Permits Issued, Borough of Franklin Lakes, 2003 to 2008

Year	1&2 Family	Multifamily	Mixed-Use	Total
2003	<i>Breakdown by unit type not available</i>			30
2004	44	0	0	44
2005	36	0	1	37
2006	37	100	3	140
2007	26	0	0	26
2008	12	0	0	12
Total	155	100	4	289

Source: State of New Jersey Department of Community Affairs, Division of Codes and Standards

Table 3: Residential Demolition Permits Issued, Borough of Franklin Lakes, 2003 to 2008

Year	1&2 Family	Multifamily	Mixed-Use	Total
2003	<i>Breakdown by unit type not available</i>			27
2004	27	0	0	27
2005	29	0	4	33
2006	27	0	4	31
2007	16	0	5	21
2008	9	0	1	10
Total	108	0	14	149

Source: State of New Jersey Department of Community Affairs, Division of Codes and Standards

With the exception of 2006, residential building permits issued have generally declined over the past five years. The relative jump in population observed in Franklin Lakes in 2007 and 2008 can likely be attributed to the addition of 100 multifamily units in the Borough during 2006. Overall, the average household size in Franklin Lakes has been decreasing over the past several decades (e.g., from 3.89 persons per household in 1970 to 3.13 in 2000), consistent with trends seen throughout northern New Jersey.

The changes noted in Tables 1 through 3 are not substantial in the context of long-term development trends in Franklin Lakes. As shown in Table 4, the Borough's population experienced its largest increases on a percentage basis during the 1920s and 1960s. A more accurate figure for the current population will be determined by the 2010 Census.

Table 4: Historical Population, Borough of Franklin Lakes, 1920 to 2008

Year	Residents	Change	
		Number	Percent
1920	383	--	--
1930	893	510	133.2%
1940	1,203	310	34.7%
1950	2,021	818	68.0%
1960	3,316	1,295	64.1%
1970	7,550	4,234	127.7%
1980	8,769	1,219	16.1%
1990	9,873	1,104	12.6%
2000	10,422	549	5.6%
2008*	11,619	1,197	11.5%

*Estimate

Sources: 2004 Franklin Lakes Master Plan Reexamination; State of New Jersey Department of Labor and Workforce Development

Since the 2004 Master Plan Reexamination was adopted, there have been certain governmental actions that relate to the Borough's land use policies and objectives.

At the local level, an **Environmental Resource Inventory (ERI)** was adopted in 2009 by the Franklin Lakes Environmental Commission. The Planning Board then adopted the ERI as an amendment to the Conservation Plan Element of the Borough's Master Plan. This document is being formally integrated into the Master Plan as part of this Reexamination Report. A portion of the ERI is included in the Appendix of this Reexamination Report.

There have also been plans put forth by the Northwest Bergen Utilities Authority to extend sanitary **sewer service** to the downtown area of Franklin Lakes. The Borough has been evaluating this proposal to ensure its consistency with plans for the central business district and vicinity.

The Borough of Franklin Lakes purchased the Haledon Reservoir in 2006. This nearly 150-acre property located in the southeast corner of the Borough includes a 70-acre lake that was formerly used as a water supply reservoir. In 2009, the reservoir property was renamed the **Franklin Lakes Nature Preserve**.

At the state level, in December 2004, the New Jersey **Council on Affordable Housing** (COAH) adopted its "Third Round" rules covering the period from 2004 to 2018. A successful legal challenge was mounted to these rules, which were invalidated by a New Jersey Appellate Court decision in January 2007. This decision upheld some sections of COAH's "Third Round" rules, invalidated other aspects of them and remanded certain issues to COAH. In December 2007, COAH released revised rules which went into effect on June 2, 2008. In contrast to COAH's prior rules, the "Third Round" rules utilize a "growth share" approach, by which municipal affordable housing obligations are determined by the amount of new market-rate residential and non-residential growth. The Franklin Lakes Planning Board adopted a Housing Element and Fair Share Plan in 2008 which was prepared consistent with COAH's rules. This document was endorsed by the Mayor and Council and submitted to COAH in December 2008 as part of the Borough's petition for certification, which is still pending.

However, the future of COAH is uncertain. The first bill introduced in the 2010 session of the New Jersey State Senate, S-1, proposes to abolish COAH and provide a new means of calculating and addressing affordable housing needs. Also, the Transition Team for Governor Christie issued a report which addressed COAH and called for its abolition and new mechanisms for providing affordable housing. There are also court cases pending that address COAH and, in particular, growth share. All of these factors point towards major potential changes to affordable housing requirements, and it is unclear what their exact form will be. But as it has been determined that municipalities have a constitutional obligation to provide a realistic opportunity for affordable housing, this obligation will not go away without amending the state constitution. Franklin Lakes should continue to monitor the implementing regulations for addressing the municipal affordable housing obligation, and should ensure that any new developments that are approved provide an affordable housing component that addresses any applicable state requirements.

Also at the state level, the New Jersey State Planning Commission and Office of Smart Growth have been slowly moving towards adoption of an updated **State Development and Redevelopment Plan** (SDRP). The purpose of the SDRP according to the State Planning Act at N.J.S.A. 52:18A-200(f) is to:

Coordinate planning activities and establish Statewide planning objectives in the following areas: land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination.

The SDRP was originally adopted in 1992. A revised version of the plan was adopted by the State Planning Commission in 2001. While required by the State Planning Act to be revised and re-adopted every three years, the SDRP has only been re-adopted once during the 18 years since its original adoption.

As noted in Chapter III of the Reexamination, the current SDRP designates nearly all of Franklin Lakes' land area in PA-1, the Metropolitan Planning Area, which covers much of Bergen County. It is

strongly recommended that the portions of the Borough located in PA-1 be placed in PA-2 (Suburban Planning Area) or PA-3 (Fringe Planning Area) in the next version of the SDRP.

Increased interest in **sustainability** in recent years has made its way into state law, as the Municipal Land Use Law was amended in 2008 to permit a “green buildings and environmental sustainability plan element” as part of a municipal master plan. The Municipal Land Use Law was further amended in 2009 to allow wind and solar facilities as permitted uses on parcels of land comprising 20 or more contiguous acres in industrial zones and to make renewable energy facilities an “inherently beneficial use” (i.e., one that serves the public interest by its very existence), and in 2010 to prevent municipalities from unreasonably limiting “small wind energy systems” (i.e., turbines that generate power primarily for on-site consumption) and to exempt solar panels from impervious surface or impervious cover designation.

The above changes in State law are intended to make it easier for property owners to install wind turbines, solar panels and other renewable energy facilities, but it is recognized that there may be impacts on nearby properties from such installations. It is recommended that the Borough consider zoning changes to properly guide the installation of renewable energy facilities to minimize negative community impacts, and that applicants for such facilities utilize appropriate design. Potential standards could include prohibiting facilities in front yard areas, mandating setbacks from side and rear property lines, setting maximum height regulations and requiring screening for such facilities.

Franklin Lakes is currently pursuing “**Sustainable Jersey**” certification. Sustainable Jersey is a municipal recognition and incentive program started in 2009 that includes required and elective actions that municipalities can implement to receive the certification. While a municipality can cite zoning and master plan changes as part of its application for certification, Sustainable Jersey does not dictate zoning or supersede local authority. Franklin Lakes has only taken the first step towards certification so far: registering for the program. As of June 1, 2010, 271 of New Jersey’s 566 municipalities had registered but only 34 had been certified. This program requires periodic renewal (every three years). It also will require certified communities to take additional steps beyond the initial application in order to renew their certification.

Another change affecting land use and development that has occurred since 2004 is a downturn in the **economy**. Though attributed to a variety of factors, results have included reduced housing values, increased retail vacancies and higher unemployment. Another result is more stringent lending standards, which have negatively impacted the ability of prospective homebuyers to obtain mortgages, as well as made it more difficult for developers to obtain financing for non-residential development. The fallout from the economic crisis will also have future impacts on real estate as loans expire, particularly for commercial properties that have declined in value and are facing declining income as well. But it is anticipated that Franklin Lakes will be well-positioned for continued investment as the economy recovers due to the Borough’s attributes such as its location, highway access and established character.

V. Specific Changes Recommended for the Master Plan and Development Regulations

Introduction

Based on the assumptions, policies and objectives discussed above, a few specific changes are being recommended for the master plan and development regulations as part of this reexamination report. The recommended master plan/zoning changes and follow-up studies are set forth below.

2010 Master Plan Goals

The current goals of the Franklin Lakes Master Plan as established by the 2010 Reexamination are as follows:

Goal 1: To maintain and enhance existing areas of stability in the community; to encourage a land use pattern which establishes areas which have their own uniform development characteristics. A principal goal of this plan is to preserve and protect the residential character and existing density of the community, and reinforce the Borough's commercial and business areas, by restricting incompatible land uses from established neighborhoods, and limiting intensities of use to the levels prescribed herein. Non-residential uses and mixed uses should only be permitted in the Borough's central business district and other designated locations.

Goal 2: To guide development along the Route 287 corridor and its associated interchanges in Franklin Lakes in a manner that encourages low-density detached residential development and discourages commercial development. Development of this area should be consistent with the map designations shown on the Land Use Plan map.

Goal 3: To ensure that any prospective development and/or redevelopment is responsive to Franklin Lakes' environmental features and sensitive to the Borough's particular physical characteristics. The Borough seeks to manage development in steeply sloped areas as defined in the Zoning Ordinance, wetlands and floodplains, as well as retain existing vegetation, particularly trees with a caliper of eight inches or more and clusters of trees which may be of lesser caliper, if deemed appropriate. The categories and thresholds for environmentally sensitive areas should be consistent with those listed in the Borough's Environmental Resource Inventory.

Goal 4: To ensure that any future development of the community's infrastructure be limited to accommodate the Borough's present level of intensity of development as identified in the Plan, except for the provision of sufficient infrastructure to accommodate the redevelopment of the central business district.

Goal 5: To encourage and provide buffer zones to separate incompatible land uses.

Goal 6: To promote detached residential cluster development in areas characterized by environmentally sensitive features and extensive woodland vegetation as a means of preserving steep slopes, wetlands, wooded areas and other features, retaining open space and reducing infrastructure costs.

Goal 7: To discourage the creation of flag lots in the Borough.

Goal 8: To preserve the spacious setting of housing sites that characterize the Borough's residential areas.

Goal 9: To preserve and enhance the Borough's central business district by defining its functional role in the community; to enhance the quality of life within the commercial center through an appropriate mixture of activities; to introduce circulation improvements that advance the flow of traffic, improve property utilization and encourage pedestrian activity; to encourage the utilization of specified design elements identified in the Master Plan; to permit a reasonable level of development in the business district; and to encourage the consolidation and expansion of off-street parking to provide greater convenience for shoppers and reduce conflicting traffic movements on Franklin Avenue.



The Master Plan supports continued improvements to the Borough's Central Business District.

Goal 10: To address the Borough's affordable housing obligation in a manner consistent with other goals and objectives set forth herein.

Goal 11: To promote a safe and efficient traffic circulation system that serves the community, while retaining the community's country setting within the overall framework of a two-lane circulation system.

Goal 12: To preserve the historic features of the Borough as an integral part of the community's unique character.

Goal 13: To support the overall philosophy of the State Development and Redevelopment Plan (SDRP) as a means of providing growth management on a state-wide basis while retaining the principles of home-rule. The portions of Franklin Lakes currently located in PA-1, the Metropolitan Planning Area, should be placed in PA-2 (Suburban Planning Area) or PA-3 (Fringe Planning Area), which more accurately reflect the established character and population density of Franklin Lakes.

Resource Protection Goals

The Borough's Environmental Resource Inventory (ERI), which was adopted in 2009, includes the following resource protection goals for Franklin Lakes:

- Provide the opportunity for economic success and sustainability, while protecting the resources vital to the quality of life of the residents of the Borough of Franklin Lakes and the habitat needs of flora, fauna and wildlife.
- Protect to the fullest extent practical wellhead areas and areas of significant groundwater recharge in order to ensure ample, clean potable drinking water.
- Protect historical sensitive features and landmarks from disturbance, degradation and development.

- Implement measures that decrease the opportunity for the generation and release of point and non-point source pollutants.
- Maintain, restore or improve as needed, the quality of streams, ground water, air, soil, rural character and overall quality of life.
- Preserve, protect and maintain large, intact areas of native vegetation from future fragmentation and reduction.
- Protect both regionally and locally important species of concern by protecting habitat, maintaining corridors of movement and connections among habitat, and by maintaining significant ecological processes in protected areas.
- Establish and implement best-management practices for the protection of native species and their essential habitat.

The ERI has been adopted by the Planning Board as an amendment to the Master Plan Conservation Element. These goals are listed within the Reexamination to reaffirm their importance in the Borough's planning and zoning efforts.

The ERI also includes various specific recommendations, which have been included in the Appendix of this Reexamination Report. A number of these recommend changes to the Borough's Land Use Ordinance, including the zoning regulations. One such recommendation is create an ordinance to minimize clear cutting of forested areas. The Land Use Ordinance at § 300-124B includes detailed tree removal standards which address this objective. However, additional ordinance amendments intended to protect natural vistas, wildlife habitats, historic landmarks and similar features could be considered. The creation of a wellhead protection ordinance that restricts certain high risk land uses, such as gasoline stations, in the vicinity of these wells could also be considered in order to support the protection of designated wellhead areas. An appropriate location for an environmental features ordinance that includes wellhead protection and other provisions would be a revised and expanded Article XVII, which currently includes steep slope requirements. This Article would be properly renamed from "Protection of Critical Slope Areas" to "Protection of Environmental Features."

Recommended Zoning and Master Plan Changes

Zoning Map Amendments

A map showing the existing zoning districts within the Borough of Franklin Lakes is included at the end of this chapter. This map includes three zoning districts that are included in the text of the Zoning Ordinance but have not previously been shown on the Zoning Map. These are the MF-AH1 Multifamily – Affordable Housing zone, which replaced the R-T Residential Townhouse zone; the MF-AH2 Senior Citizen Multifamily – Affordable Housing zone, which covers a portion of the SR zone; and the REC Recreation zone, which encompasses Franklin Lake and certain adjacent lands. The Existing Zoning map also shows the new zoning designation for two lots at the end of Tice Road that were recently rezoned from I-2 to RB as well as the correct designation for the OB-RL zone.

It is recommended that the name of the MF-AH2 zone be amended to reflect the change in status of the development in that zoning district. The regulations of the MF-AH2 zone district permit the development of no more than 84 senior citizen multifamily residential dwelling units, of which 15 percent are required to be affordable units. A development consistent with this zoning was approved in 2004 but was not constructed. In 2009, a State law was passed (N.J.S.A. 45:22A-46.3) which enabled approved age-restricted developments of the type approved in the MF-AH2 zone to be converted to non-age-restricted developments. An amended development was recently approved for an age-targeted development (i.e., a project that is intended to attract older residents but does not

have a formal age restriction) for the property that comprises this zone. In light of the State law that permitted this change in permitted use, the Borough should consider changing the name of this zoning district. A potential new name is the MF-AH2 Age-Targeted Multifamily – Affordable Housing zone.

A few additional amendments are recommended to the Borough's existing zoning districts, as described in the remainder of this section and illustrated on the "Potential Zoning Changes" map at the end of this chapter.



The portion of the existing RB zone located at the intersection of Franklin Lake Road and High Mountain Road should be placed in a new RB-2 zone, which will maintain the existing RB zone's regulations.

RB District

The Borough's RB Retail Business zone is divided into two sections. The first, larger section includes approximately 25 acres located along Franklin Avenue roughly between Pulis Avenue and Circle Avenue. This area encompasses Franklin Lakes' central business district. The second section is comprised of a single lot that is just over 10 acres in area and developed with a shopping center and professional offices. This second section is located at the intersection of Franklin Lake Road and High Mountain Road, approximately one and two-third miles away from the other portion of the RB zone.

It is recommended that the existing RB zone be split into two separate zones, one for each of the two areas described above. The central business district should be located in a new RB-1 Retail Business 1 zone and the other portion should be designated RB-2 Retail Business 2. This recommendation is consistent with the Borough's 2008 Housing Element and Fair Share Plan.

The regulations of the RB-1 zone should emphasize the zone's role as Franklin Lakes' central business district. In particular, mixed commercial/residential buildings should be permitted, but only if such residential uses include a minimum setaside of affordable dwellings consistent with the Borough's Fair Share Plan. Design guidelines should be provided to help promote new development and redevelopment that is attractive and consistent with a walkable downtown setting.

The existing RB zone regulations should be utilized as the RB-2 zone's regulations.

In addition, the Franklin Crossing shopping center on Franklin Avenue (Block 1400, Lot 1.01; Block 1410, Lot 1; Block 1513, Lots 1 and 2) is currently split between two zones, with the front portion in the RB zone and the rear in the I-1 zone. As the portion located in the I-1 zone is developed with a commercial use consistent with RB zone use regulations, it is recommended the portion currently in the I-1 zone be rezoned to RB, or the new RB-1 zone if such a zone is created.

I-1 and I-2 Districts

There are currently two industrial zones in Franklin Lakes: the I-1 and I-2 zone districts. The I-1 zone is located along Commerce Street, south of Franklin Avenue and northwest of Route 287. The I-2 zone is located on Susquehanna Avenue and Tice Road, flanking the NYS&W railroad tracks to the west of Pulis Avenue. These two zones encompass approximately 55 acres. They are currently developed with some industrial and office uses, although some properties are utilized for other purposes such as commercial recreation.

The purposes, use regulations and bulk standards for the two industrial zones are almost exactly the same. In fact, the only difference in the regulations for these zones is that automobile body shops are permitted in the I-2 zone but are not permitted in the I-1 zone. It is therefore recommended that the Borough's existing two industrial zones be consolidated into one zone, which should retain the I-1 Industrial designation. The new I-1 zone should permit automobile body shops as a principal permitted use.

It is also recommended that certain additional uses be permitted in the new I-1 zone. While this type of older industrial zone, with relatively small lot sizes and an off-highway location, may no longer be as desirable as it once was as a location for new "traditional" light industrial uses, it still serves a valid purpose. Industrial zones such as those in Franklin Lakes have in recent years allowed for "heavy" commercial uses that might not be appropriate in a traditional retail zone, but provide a service for suburban residents. These include offices, storage and/or workshops for contractors and artisans, such as cabinet makers, carpenters, contractors, landscapers, pest control companies and plumbers. Adding indoor commercial recreation as well as gyms, health clubs and spas to the list of permitted principal uses in the new I-1 zone would reflect a trend that has occurred in Franklin Lakes and elsewhere. Another option could be allowing medical and dental offices, although such uses tend to be more intense in terms of parking and traffic demands compared to other uses noted above.



The existing I-2 zone has limitations as a traditional light industrial zone, which has resulted in a number of vacancies.

It is recommended that the regulations of the new I-1 zone clarify that office uses are permitted in the zone as an accessory use to a permitted industrial use, and as such the office use must occupy less than 50 percent of a building's floor area. This change would be consistent with development applications in recent years in the Borough's industrial zones.

The Borough's 2008 Housing Element and Fair Share Plan recommended allowing certain residential uses with affordable housing components in the industrial zones. However, this plan has not yet been certified by COAH, meaning Franklin Lakes' affordable housing obligation may change. In light of the uncertainties surrounding COAH, it is recommended that no changes be made to permit residential uses in the new I-1 zone until there is a clearer picture as to whether Franklin Lakes' affordable housing obligation will be modified and/or if there are new state regulations for addressing this obligation.

Tice Road

Until recently, there were two properties in the portion of the I-2 zone located on Tice Road. The 2004 Master Plan Reexamination recommended the following zoning amendment:

To help further the Borough's goals with regard to the central business district, consider rezoning two parcels located at the end of Tice Road from the I-2 Industrial zone to the Retail Business zone (Block 1518, Lot 10 and Block 1519.01, Lot 1).

An ordinance that would have made this change was introduced by the Mayor and Council in 2005, but was not adopted. However, the Mayor and Council did enact this zoning amendment in mid-2010. It is recommended that these lots be placed in the new RB-1 zone if such a zone is created.

In light of the above zoning change, there are only two remaining lots in this portion of the existing I-2 zone (Block 1517, Lots 1 and 2). These two lots are now isolated industrially zoned lots abutting a church, the Franklin Lakes Middle School and properties in the RB zone, and are separated from the remainder of the existing I-2 zone/new I-1 zone by two streets and a railroad right-of-way. Due to these factors, consideration should be given to creating a new I-RB zone. This zone would be a hybrid of the I-1 and RB-1 zones, which would allow a wider range of uses than either zone, which in turn would enable market forces to determine what type of development would make sense on these two parcels.



The two remaining parcels located on Tice Road in the I-2 zone are recommended to be rezoned.

Renewable Energy

In recognition of increased interest in sustainability and recent amendments to the Municipal Land Use Law discussed above, it is recommended the Land Use Ordinance be amended to provide reasonable standards for solar panels, wind turbines and other renewable energy facilities while minimizing the impacts of such facilities on nearby properties and the community as a whole. Potential standards could include prohibiting facilities in front yard areas, mandating setbacks from side and rear property lines, setting maximum height regulations and requiring screening for such facilities.

Commercial Uses on Public Property

There is a somewhat substantial amount of publicly owned property within Franklin Lakes. It is the policy of the Master Plan to discourage the operation of commercial enterprises on public properties, particularly when located within single-family residential zones. Any such commercial uses should be designed to minimize impacts such as traffic, noise and lighting on nearby residential properties. Consideration should be given to amending the detached single-family residential district regulations in § 300-107 of the Zoning Ordinance to formalize the above recommendations.

Environmental Features Ordinance

As discussed in the “Resource Protection Goals” subsection above, consideration should be given to expanding Article XVII, “Protection of Critical Slope Areas,” to include additional regulations for environmental features protection and renaming this Article “Protection of Environmental Features.”

Other Land Use Ordinance Issues

The following changes are recommended to the sections of the Franklin Lakes Land Use Ordinance listed below:

- § 300-56: This section provides requirements for bikeways. While generally acceptable, some of these requirements defer to the Master Plan (or Official Map) as to location and design of bicycle paths and lanes. Per the requirements of § 300-56C(1), the minimum paved width of a bicycle path shall be five feet.
- § 300-98: The definition of “lot width” (measured at required setback line) conflicts with § 300-105B, which requires the minimum required lot width to be measured at the “sixty-five-foot line,” and thus should be amended to be consistent. Similarly, a note should be added to the Schedule of Area and Bulk Regulations indicating lot width is measured at the sixty-five-foot line.
- § 300-98: The definition of “nonconforming use” has an incomplete reference to the adoption date of the zoning ordinance.
- § 300-98: Consideration should be given to adding defining the terms “cabana” and “shed,” or at least amending the definition of “accessory building or use” to clarify requirements for these particular types of structures.
- § 300-100: This section should be updated once a new Zoning Map is adopted that includes all existing zoning districts.
- § 300-104E: This subsection allows only one principal use on a lot, with limited exceptions in the RB zone. It will need to be changed to allow mixed commercial/residential uses on a lot if such a use mix is permitted in certain zones.
- § 300-104F: This subsection allows only one principal building on a lot, except in the HOB-RL zone. While this restriction may make sense for single-family residential districts, it is at variance with existing conditions in some areas of the Borough. For example, some recently constructed multifamily developments include multiple buildings as do some properties in the RB zone. Consideration should be given to clarifying this restriction.
- § 300-108: The regulations of the R-T Residential Townhouse District should be deleted, as this district was replaced by the MF-AH1 district.
- § 300-110: an erroneous reference to the R-T District in the PRD District regulations at § 300-110D should be deleted and replaced by the PRD District.
- § 300-113B: Consideration should be given to modifying the list of permitted uses in the RB District to remove outdated or inappropriate uses, and to add any additional uses that are deemed to be appropriate for the RB District.
- § 300-120B: This subsection providing regulations for townhouse residential dwelling units in the R-T District should be deleted, as this zone has been replaced by the MF-AH1 district which has its own distinct regulations.
- § 300-120I(9): The first sentence of this subsection should be amended to read as follows to address an internal inconsistency: “No business activity, other than the rental of storage space or as permitted by § 300-120I(14), shall be permitted.”
- § 300-124A: The buffer and planting requirements should be coordinated with the Borough’s “no disturbance areas” ordinance.
- Form 5 of the Application Checklist in Appendix A, item 28 has an incomplete reference to the environmental impact statement requirements. This item should be reworded to refer to the environmental impact report, with reference to § 300-67 and 75.

There are also some inconsistencies between portions of the Land Use Ordinance and other chapters of the Borough Code that relate to zoning and development, including the following:

- § 425-25C: This subsection of the Streets and Sidewalks chapter provides the following requirements: “No driveway shall be located less than three feet from the side lot line nor less than 12 feet from the driveway on the adjoining property.” However, § 300-71D(4)(d) mandates greater setbacks generally (10 feet for the first 50 feet of the property, 20 feet beyond a 50 foot setback) and § 300-71D(4)(j) provides additional standards for residential zones. § 425-25C should be amended to reflect these other changes or at least refer to the applicable subsections of the Land Use Ordinance.
- § 453-1E: This subsection of the Trees chapter requires street trees to be planted within the right-of-way of public streets, which is contrary to the Planning Board’s practice in recent years and conflicts with § 300-66C and § 300-79C of the Land Use Ordinance, which requires trees to be planted 10 to 15 feet from the curbline. These various requirements should be revisited and made consistent with one another.

VI. Recommendations of the Planning Board Concerning the Incorporation of Redevelopment Plans into the Land Use Element and Local Development Regulations

In 1994, the Municipal Land Use Law in New Jersey was amended to include, as part of the Master Plan Reexamination report, recommendations of the Planning Board concerning the incorporation of redevelopment plans (adopted pursuant to the Local Redevelopment and Housing Law of 1992) into the land use element, and accompanying changes to the development regulations. The Local Redevelopment and Housing Law (LRHL) affords municipalities the authority to designate areas “in need of redevelopment,” provided they meet specific statutory criteria, as well as to prepare and implement redevelopment plans for such areas.

There are few, if any, locations within Franklin Lakes that could reasonably qualify as redevelopment areas. The most likely candidates would appear to be within the Borough’s industrial zones, but zoning changes are being recommended for these areas which are intended to spur the private development market to invest in these areas. If such changes are not successful, consideration could be given to investigating particular sites or focused areas that clearly have characteristics such as dilapidated or obsolete buildings, faulty arrangement or design, deleterious land uses or other factors that “are detrimental to the safety, health, morals, or welfare of the community” as required by the LRHL. A formal investigation would need to be undertaken to determine whether any such areas actually meet the statutory criteria set forth in the LRHL. It is not recommended that any redevelopment area investigations be undertaken at this time.

Appendix: Resource Management Recommendations from the 2009 Franklin Lakes Environmental Resource Inventory

An Environmental Resource Inventory (ERI) was prepared for the Borough of Franklin Lakes by Princeton Hydro, LLC and adopted by the Borough's Environmental Commission in August 2009. In order to emphasize their importance, the Resource Management Recommendations included in Section 1.6 of the ERI (pages 16-25) are provided in the remainder of the Appendix.

This section includes an outline of potential recommendations to better manage the environmental resources, which the Borough can consider implementing. This summary of recommendations is based upon the detailed descriptions and mapping of the Borough's environmental resources provided within Section III of this ERI report.

Quality of life issues continue to be a major reason why families and businesses choose to locate in specific communities. Access to schools, businesses, transportation hubs, clean water, parks and open space are desirable community assets. Based on the above findings, the management recommendations included in the ERI are intended to assist the Borough in sustaining a good quality of life and achieving the following resource protection goals:

- Provide the opportunity for economic success and sustainability, while protecting the resources vital to the quality of life of the residents of the Borough of Franklin Lakes and the habitat needs of flora, fauna and wildlife.
- Protect to the fullest extent practical well head areas and areas of significant groundwater recharge in order to ensure ample, clean potable drinking water.
- Protect historical sensitive features and landmarks from disturbance, degradation and development.
- Implement measures that decrease the opportunity for the generation and release of point and non-point source pollutants.
- Maintain, restore or improve as needed, the quality of streams, ground water, air, soil, rural character and overall quality of life.
- Preserve, protect and maintain large, intact areas of native vegetation from future fragmentation and reduction.
- Protect both regionally and locally important species of concern by protecting habitat, maintaining corridors of movement and connections among habitat, and by maintaining significant ecological processes in protected areas.
- Establish and implement best-management practices for the protection of native species and their essential habitat.

To bring these various goals to fruition will require the implementation of both long-term and short-term resource management measures and practices. These recommendations are designed to support existing environmental protection efforts, and to build upon existing zoning and land development regulations for the Borough. These recommendations contain regulatory and non-regulatory goals, objectives, and strategies to preserve, enhance, maintain and restore the Borough's environmental and cultural resources.

- Land Use Ordinances – The Borough provides land use ordinances and zoning that affect where and how residential and commercial development can occur. Additional development ordinances, such as measures to minimize clear cutting of forested areas, to protect natural

vistas, to protect historic landmarks could also be considered. The Borough can also evaluate the existing setback requirements, height restrictions, impervious cover limitations, and Floor Area Ratios (FAR) to ensure that infill projects or re-development projects continue to provide adequate land and buffers to protect septic system functions, groundwater recharge, groundwater quality, reduce stormwater runoff, and protect local wildlife habitats and neighborhood sensitive features. (Section 2.10 and 3.7)

- Wellhead Protection Areas – The NJDEP provides mapping of Wellhead Protection Areas (WHPA) to identify vital water supplies. Future development or growth near these wellhead protection areas should be carefully evaluated to ensure that the water quality and groundwater recharge of these community wells are not degraded. The protection of designated wellhead areas can be supported by the adoption of a local ordinance that restricts certain high risk land uses, such as gasoline stations from impacting these wells. The Highlands RMP recommends the adoption of wellhead protection ordinances and several communities in New Jersey have adopted such an ordinance. Several communities in New Jersey have adopted such an ordinance and the Borough should also consider adopting a wellhead protection ordinance. (Section 3.11)
- Ground Water Quality – Homeowners should be encouraged to periodically test wells and understand their water quality to safeguard their family’s health. Various treatment systems that can be installed to address commonly detected contaminants such as elevated levels of iron or arsenic. Annual testing for nitrates and pathogens and possibly volatile organic compounds (VOCs) should also be considered. Given the reliance of the majority of the Borough on groundwater for drinking water, well head zones should be protected from impairment, including actions that could contaminate or degrade the quality of the groundwater. (Section 2.10 and 3.14)
- Groundwater Recharge – The Borough could work with the NJDEP and the United Water New Jersey to better assess current ground water recharge conditions and determine whether existing groundwater and stormwater protections are adequate, or whether additional zoning measures are needed to protect public wells, such as limiting impervious coverage or floor area ratios within wellhead protection areas. (Section 3.12)
- Septic Management – The majority of the Borough relies on on-site septic systems and pathogens have been detected in local streams. Onsite septic systems need to be properly constructed and maintained, and septic tanks should be pumped out routinely (at least once every three years). The NJDEP adopted new Water Quality Management Plan (WQMP) Rules in July 2008 that require municipalities to adopt Septic Management Plans and require mandatory septic maintenance programs, possibly via an ordinance. Therefore to protect surface water and groundwater supplies, the Borough should develop educational programs that promote the routine pump out septic system tanks on a three year cycle, and provide guidance to homeowners in the proper maintenance and inspection of septic systems. Guidance for septic systems and wells can be disseminated through brochures, at community events, and via sponsored educational programs. Some New Jersey communities within the Highlands and the Pinelands are adopting septic management programs that require a license, a limited fee, and proof that the septic tank is pumped out every three years. (Section 2.10 and 3.14)
- Surface Water Resources – Twenty streams, lakes and ponds are present in the Borough, and valued by the residents. In 2006, the Borough acquired the Haledon Reservoir. The water quality of the Borough’s streams and open waters are best protected through the implementation and strict adherence to the requirements for stormwater management detailed in the State’s stormwater management regulations and in the Borough’s Municipal Stormwater Management Plan (MSWMP) and Ordinance. The acquisition and protection of

stream corridors, riparian zones or wetlands in the form of preserved open space or through conservation easements could also be considered. (Section 3.18, 3.19, and 3.20)

- The Haledon Reservoir Advisory Committee outlined measures to remove debris from the wooded areas, improve safety concerns and pedestrian access.
 - Dams are present on each of these lakes, and are required by the NJDEP Dam Safety rules to be inspected and maintained New Jersey Dam Safety Standards. The Environmental Commission initiated an inventory of these dams (N.J.A.C. 7:20) <http://www.state.nj.us/dep/nhr/engineering/damsafety/standard.pdf>
 - The NJDEP has reported that Hohokus Brook and Pond Brook are impaired by pathogens (fecal coliforms) and the community should work to assess sources of these impairments and reduce these loadings.
 - The Borough has participated with the Geese Peace organization to obtain training techniques to humanly reduce Canada geese populations and lessen the impact the geese have on water resources and parklands. This will help to address some of the pathogen impacts.
 - Lake or pond management educational programs could also be sponsored in the community. Through education, preservation and improved management of riparian zones, improvements can be realized for stream quality, and the biological integrity of stream ecosystems, including adjacent riparian zones and wetlands.
- Stormwater Management – In 2004, the NJDEP Stormwater rules required municipalities to adopt a stormwater management plan and a variety of ordinances that address: stormwater controls for new developments, pet waste, litter and dumping controls, yard waste, wildlife feeding, and illicit connections. In addition, the community must ensure appropriate stormwater maintenance, record and monitor stormwater outfalls, and provide public education on stormwater pollution issues. The Borough has submitted annual reports to the NJDEP documenting their compliance with these various measures. (Section 2.11, 3.19, and 3.20)
 - The Borough could consider modifying the Stormwater Plan and Ordinance to address more strict controls for redevelopment projects. The current ordinance addresses new development, and many redevelopment projects will be exempt from implementing significant stormwater management controls.
 - The Borough could consider reducing fertilizer applications on parkland in order to reduce the potential for runoff impacts to local surface waters.
 - If the Borough identifies impacts to streams and water quality from existing development, these areas and stormwater infrastructure can be included on a Municipal Stormwater Mitigation List. Developing a Stormwater Mitigation List is a voluntary action, but this Mitigation List can identify opportunities to improve stormwater management and water quality that can include: stormwater management upgrades, catch basin retrofits and new installations, improved recharge, peak flow mitigation, pollutant reduction, and stream bank restoration (N.J.A.C. 7:8-5.1). New development projects or redevelopment projects could assist in addressing these potential stormwater BMP upgrades or retrofit opportunities, as conditions of approving a variance or waiver of complying within the stormwater regulations and ordinance.
 - Where feasible, stormwater BMPs that encourage groundwater recharge and minimize the volume of stormwater runoff should be promoted, including the use of on-site systems such as rain gardens and roof-top runoff connections to drywells. (Section 2.11)
 - Open Space Preservation – The Borough has preserved 374 acres of land and open waters. Inventories of the natural flora and fauna were conducted on certain parcels in 1974 and are proposed to be updated in the Community Forest Plan. Critical habitat for threatened and

endangered species are present on some of these parcels, and understanding this information can lead to improve stewardship, improved management of these resources and improved habitat for these rare species. (Section 3.22)

- The information presented in the map of Environmentally Sensitive Lands or constrained land, can help to identify and prioritize additional land acquisition for the purpose of preserving and/or protecting wildlife habitats, significant environmental and scenic resources, water and water quality. Parcels designated as sensitive to disturbance or development should be prioritized and set aside for passive recreation and habitat preservation. Attention should also be given to parcels located within or adjacent to the more developed sectors of the Borough to serve the local residents. These open space acquisitions could be used to meet both the passive and active recreation demands of the community.
- Prior to 1950, the history of the Borough included a vibrant farming community. Today only 20 acres of farmland remain. Preserving the remaining farmlands would serve to preserve this history and protect ground water recharge for the public wells.
- Based on the NJDEP Green Acres data from November 2008, 28 of the 70 communities in Bergen County provide an open space tax program.
- Greenway Plan – Within the Borough nearly 1,200 acres of undeveloped forest and wetlands remain. Much of these lands are located within the regulated riparian zone for the streams and along the ridges and steep slopes. The Borough could consider formally adopting a Greenway Plan that encourages additional connection and linkage of open space and parklands throughout the Borough. Conservation easements should continue to be acquired including areas along stream riparian zones, the 100-year flood plain, wetland, and wetland transition areas, state open waters, steep slopes, and other significant natural and environmental features. The Greenway Plan could provide additional public access via passive hiking trails where appropriate. (Section 1.7 and 3.22)
- Pedestrian Paths and Bikeways – The Borough recognizes the importance of pedestrian paths and bikeways for both recreational and alternative transportation uses. Increased emphasis could be placed on making the existing and future commercial areas more accessible by safe pedestrian paths. In addition, bicycle racks could be provided in shopping areas, library and all recreational areas. When applications for future development projects are submitted to the Borough for review, provide recommendations that the connection of safe pedestrian paths and bikeways be incorporated into the plans. (Section 2.3, 2.5, and 3.22)
- Easement Documentation – The Borough has created a digital database of some of the existing conservation easements. Additional efforts should continue in order to develop and implement a comprehensive plan to identify and catalog the location of each conservation easement within the Borough. Efforts should be taken to incorporate an inventory of existing easements into GIS mapping. In the upcoming years, the Borough could perform baseline inspections of these conservation easements and routine inspections in the years to come, to ensure these areas are not illegally altered or encroached upon. (Section 3.22)
- Community Forest Plans – The 1974 ERI included a detailed inventory of the flora and fauna on several parcels, including the dominant forest type and wildlife habitats on these parcels. Critical habitat for threatened and endangered species are present on some of these parcels, and understanding this information can lead to improve stewardship, improved management of these resources and improved habitat for these rare species. The data from the 1974 ERI should be referenced and incorporated into any future Community Forestry Plan or forest inventory. (Section 3.23 and 3.26)

- Environmentally Sensitive Areas – A composite of various environmental GIS data layers was completed for the Borough identifying parcels where future development may be constrained by the presence of environmentally sensitive resources and regulations and policies that protect these sensitive resources. The constraints may include areas including the 100-year flood hazard zones, wetlands, riparian zones, open space, steep slopes, wellhead protection areas, and wildlife habitat for threatened or endangered species. Resources located within these areas are especially vulnerable to land disturbance and development activities. The Borough can consider land use regulations that will limit development or require the implementation of additional safe guards when development activities are proposed in areas identified as environmentally sensitive or constrained lands. (Section 1.7, 2.5 and 3.27)
- Protection of Scenic Views – Preserving scenic resources was identified as a goal in the 1999 Historic Inventory Report prepared for the Borough. These areas included scenic vistas from high ridges, vistas of lakes, ponds, wetlands and forested areas. Preserving scenic views can include restrictions on: cell towers, water towers, utility lines, billboards, and building heights within these areas. The preservation of scenic views can also include encouraging conservation easements or the acquisition of lands. In order to support the preservation of local scenic views, the community can also sponsor activities such as community walks, and photograph contests, and encourage voluntary protection measures. (Section 2.5, 3.8)
- Historic Preservation – The Borough should continue to preserve historic and cultural resources, and consider the creation of a historic district area to be consistent with the guidelines provided by the New Jersey Historic Preservation Office. The Borough should create an inventory and photo documentation of each historic property that is eligible to be registered on the State Historic Registry. This inventory/survey should be periodically updated to reflect the changes that have occurred within the Borough. If a historic district is adopted, the Borough can consider ordinances to ensure that future development will not be threatened or disturb the integrity of the historic landmarks or district. (Section 3.28)
- Increase Recycling Efforts – The NJ State League of Municipalities (NJSLOM) reports that New Jersey achieved a 45% recycling rate for municipal solid waste (MSW) in 1995; and 61% recycling rate for total solid waste (TSW) in 1997. However, recycling rates in New Jersey have declined, and in 2003 New Jersey recycled 33% of MSW and 52% of TSW. State funding for municipalities may become available for recycling enhancement programs that include: purchase of recycling containers, maintenance of a municipal drop-off center, management of a municipal compost site, household hazardous waste events, costs related to education and outreach for the municipal recycling program, or for the enhancement/enforcement of the local recycling ordinance. Section 1.7 and 2.3)
 - The Borough could continue to sponsor community cleanup days, which were well supported by the community.
 - Members of the EC are reviewing the Borough’s waste and recycling program and ordinances to ensure that the solid waste recycling ordinance conforms to the new regulations regarding electronic waste recycling that go into effect on July 1, 2009. The Borough officials are reviewing the current recycling program and evaluating measures to increase the efficiency of the program, expand the recycling services that are offered, increase the participation, and increase the volume of materials recycled.
 - Increasing recycling efforts at the municipal offices and local schools could be evaluated.
 - Requiring redevelopment or infill projects to follow LEED certification guidance, would also compel the recycling of demolition materials from these projects, reducing the solid waste that would go to a landfill.

- Future Development and Redevelopment – Future appropriate development and redevelopment should be implemented in a manner that is sensitive to 1) the historic nature of the community, 2) mindful of the important water supply wells and wellhead protection areas, 3) sensitive to the various waterways and environmental constraints within the Borough, 4) sensitive to critical wildlife habitats, and 5) mindful of a community desire to protect and maintain these resources into the future. Policies and ordinances should be created to ensure future redevelopment occurs in an appropriate manner. (Section 1.7, 2.3, and 3.27)
- Green Building and Development – In 2008, that state of New Jersey amended the Municipal Land Use Law (MLUL) to authorize a local planning board to include in its Master Plan a green buildings and environmental sustainability plan element (MLUL 40:55D-28 (15)). Green building construction practices were also inserted into the State Uniform Construction Code Act (UCC). Green buildings are designed to minimize the negative impact of buildings on the environment and their occupants and may consider five broad areas including: sustainable site planning; safeguarding water and water efficiency; energy efficiency and renewable energy; conservation of materials and resources; and indoor environmental quality. The concept of green development incorporates environmental concerns early in the site design process, and addresses environmental issues holistically to integrated systems, such as stormwater measures and landscaping designs. The amendment to the MLUL encourages towns to adopt plans and ordinances that encourage and facilitate green building projects. (Section 1.7 and 2.3)
- Energy Planning – Energy planning is not addressed in this ERI, but the Borough could join several New Jersey communities that are undertaking efforts to audit their energy uses for municipal buildings, fire stations, schools, senior centers and libraries. Communities are identifying measures such as switching to energy efficient fluorescent lights, and improving winterizing windows and doors. Some communities are incorporating solar energy projects into public buildings; evaluating the use of renewable energy providers; and incorporating biodiesel for municipal diesel vehicles. The Borough could consider similar efforts to reduce its carbon footprint, be more energy efficient and realize cost savings.

An energy audit of all facilities owned and operated by a municipality will reveal annual energy use and costs associated with particular buildings and facilities, costs of suggested improvements, potential energy and cost savings, and the length of time that will be needed to recoup improvement costs. Recommendations in an audit can range from improved energy data management, to appropriate energy-saving technologies, to structural improvements and system retrofits, to behavior change strategies for energy conservation. (Section 1.7, 2.3, and 3.3)

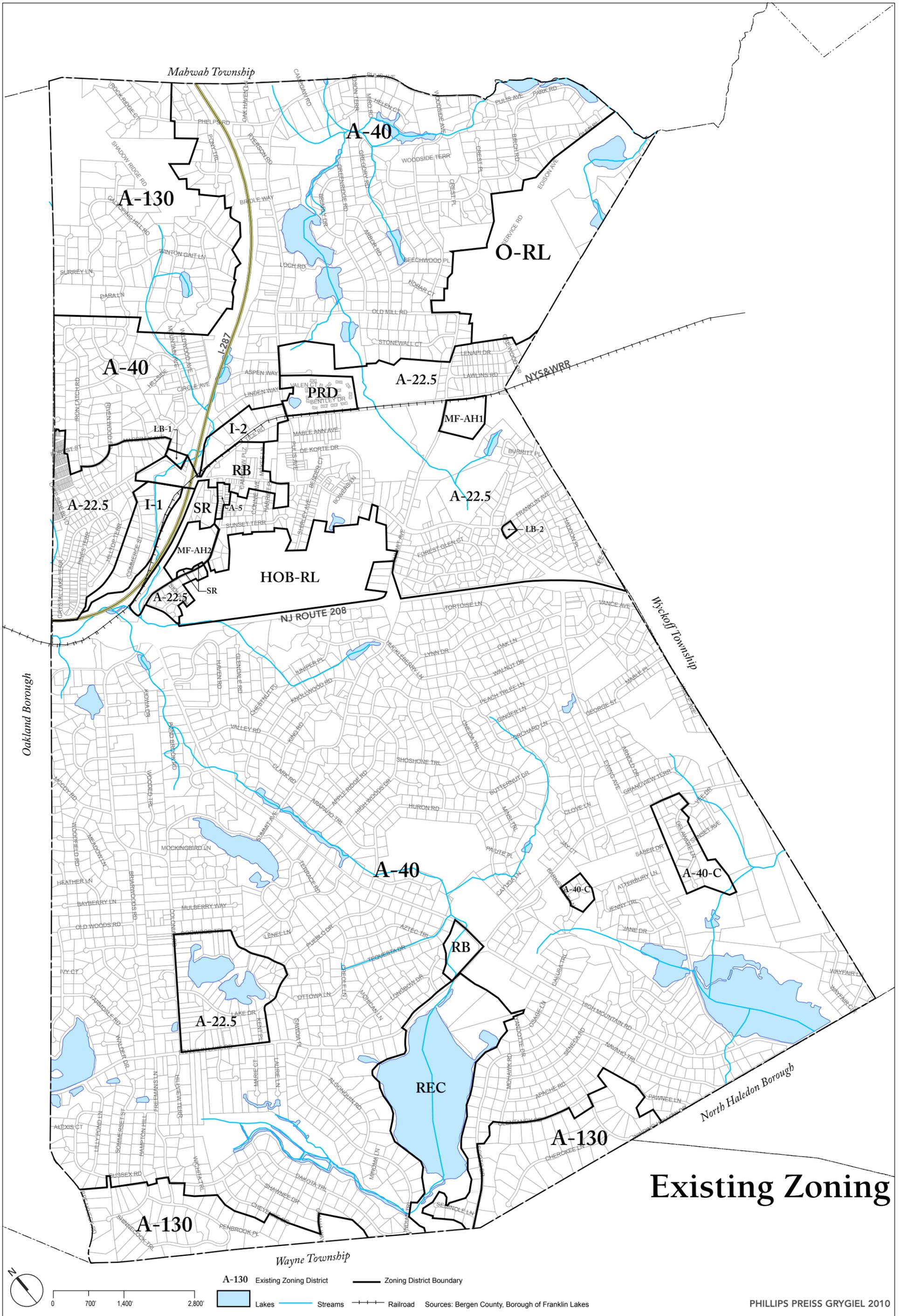
Funding for conducting an energy audit is available through The New Jersey Board of Public Utilities, Office of Clean Energy (BPU) Municipal/Local Government Energy Audit Program. <http://www.njcleanenergy.com/commercialindustrial/programs/local-government-energy-audit/local-government-energyaudit>

- A Municipal Carbon Footprint – The NJDEP Office of Science and Technology January 2008 report on greenhouse gas emissions reports that CO₂ emissions are increasing primarily from fossil fuel use, and land-use changes provide other significant contributions. Completing a Municipal Carbon Footprint provides an inventory of the GHG emissions from potential sources such as municipal facilities, fleet, and operations. The Carbon Footprint measures the amount of greenhouse gas (GHG) emissions produced by local government operations in a given year. Data from the energy audit can assist in the creation of the Carbon Footprint and policies can then be evaluated to reduce the municipal greenhouse gas

emissions. The footprint will also enable a municipality to track its progress and determine if new policies are having an impact. (Section 1.7, 2.3 and 3.3)

- Highlands Region – The Borough is located outside of the Highlands Region, and the Highland rules and regulations do not apply directly to the Borough. However, planning policies within the July 2008 Highland Regional Master Plan could be considered for adoption for the Borough, such as the wellhead protection ordinance. (Section 2.8)
 - The Highlands Water Protection and Planning Act (Highlands Act, HWPPA N.J.S.A. 13:20-1 et seq.) was signed into law in August 2004 to preserve open space and protect the state's greatest diversity of natural resources including the vital drinking water resources in this region.
 - The Highlands Act and Regulations created the Highlands Water Protection and Planning Council (the Highlands Council), and established two distinct development zones, the Highlands Preservation Area and the Highlands Planning Area. It also required the Highland Council to develop the Highland Regional Master Plan (RMP) for the entire region, which was adopted in July 2008. Development in the Highlands Region is subject to these rules, with regional standards to be implemented through the Highlands Regional Master Plan (RMP). The RMP contains various planning and development policies that the Borough could also consider.
- Keep the Public Involved – It is important to cultivate a sense of community identity and pride, so residents know why their community is special. Educate the community through news articles, special hikes, and workshops to energize their interest and input on local planning issues and some of the recommendations outlined in this report. Increasing the understanding of your community resources will promote more responsible use and preservation. (Section 1.7 and 2.3)

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