

**SPECIAL MEETING OF THE TOWNSHIP COUNCIL  
TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET, NEW JERSEY  
JANUARY 18, 2005**

The Special Meeting of the Township Council of the Township of Franklin, County of Somerset, New Jersey was called to order by the Deputy Mayor at 7:02 p.m.

The Deputy Mayor read the following statement: "In accordance with Section 5 of the Open Public Meetings Act, Chapter 231, Public Law 1975, be advised that adequate notice of this Special Meeting of the Township Council of the Township of Franklin, County of Somerset was made by the posting on the bulletin board at the Municipal Complex and by faxing to the officially designated newspapers, a notice indicating that the Special Meeting would take place at the Municipal Building at 7:00 p.m. on January 18, 2005. In addition, a copy of this notice is and has been available to the public and is on file in the Office of the Municipal Clerk."

Everyone present participated in the salute to the flag.

The Township Clerk called the roll.

Present: Ms. Ashley-Williams (arrived at 7:11 p.m.), Mr. Chivukula (arrived at 7:10 p.m.), Ms. Danile, Ms. Eberle, Mayor Levine (arrived at 7:04 p.m.), Deputy Mayor McKenzie, Mr. Regan, Ms. Ritchie, Mr. Sumter

Absent: No One.

Also Present: Kenneth W. Daly, Township Manager and Ann Marie McCarthy, Township Clerk.

**EXECUTIVE SESSION**

Upon motion by Mr. Regan, seconded by Ms. Eberle, the following resolution was adopted as follows upon call of the roll:

| <u>AYES</u> | <u>AYES</u> | <u>NAYS</u> | <u>ABSTAIN</u> | <u>ABSENT</u>   |
|-------------|-------------|-------------|----------------|-----------------|
| Danile      | Eberle      |             |                | Ashley-Williams |
| Levine      | McKenzie    |             |                | Chivukula       |
| Regan       | Ritchie     |             |                |                 |
| Sumter      |             |             |                |                 |

**WHEREAS**, Section 8 of the Open Public Meetings Act, (N.J.S.A. 10:4-12 (b) (1-9), Chapter 231, P.L. 1975, permits the exclusion of the Public from a meeting under certain circumstances; and

**WHEREAS**, the Township Council is of the opinion that such circumstances do exist;

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin in the County of Somerset, State of New Jersey, as follows:

- 1 The public shall be excluded from discussion of and action upon the hereinafter specified subject matters;
- 2 The general nature of the subject matter to be discussed is as follows:

*Potential Litigation - Contracts*

- 3 The Township Council may take official action on those items discussed in Executive Session upon completion of the Execution Session.

- 4 The minutes of the discussions shall be made available to the public as soon as the matters under discussion are no longer of a confidential or sensitive nature.
- 5 This resolution shall take effect immediately.

The meeting adjourned to executive session at 7:05 p.m. The meeting resumed at 7:37 p.m. Township Attorney, Louis N. Rainone left the meeting at the conclusion of the executive session.

**PRESENTATION HEYER GRUEL & ASSOCIATES**  
*D&R Canal Redevelopment Area*

Mark Healy, Heyer Gruel & Associates, stated that based on the results of the D&R Canal Area Redevelopment Study prepared by his office, the Township Council in 2002 declared the following areas located along the Delaware & Raritan Canal as “areas in need of redevelopment”: Stavola Study Area (Block 8/Lot 1 and Block 9/Lot1); Laurie Rubber Study Area (Block 60/Lots 12-21 and Block 62/Lots 1-3, 7-8 & 10) and the Franklin Inn-Onka Study Area (Block 512/Lot 4).

Mr. Healy stated that the next step is for his firm to prepare a Redevelopment Plan that would outline the appropriate redevelopment of each of these areas. He further stated that as part of the redevelopment plan process this community outreach meeting is being held early in the process and is intended to gain input from residents of surrounding areas, community and historic preservation leaders regarding their vision for each of the sites.

Mr. Healy gave the following summarized descriptions of each area:

**Stavola Redevelopment Area**

The Stavola Redevelopment Area consists of two properties at the corner of Canal Road and Old Georgetown Road. Located five miles from Princeton and directly across the D&R Canal and the Millstone River from the Borough of Rocky Hill, the Study Area is rural, characterized by steep slopes and subject to flooding. It is located approximately 1 mile south of the Griggstown historic village. The Study Area, which forms part of both the Griggstown and Rocky Hill historic districts, includes two historic structures with elements dating to the 1700s and listed as part of these historic districts on the National Register of Historic Places. The structures were also found eligible for individual listing on the National Register in a study conducted by A.D. Marble Associates in 2002. The structures are the last remaining remnants of a historic mill village located on the east side of the Millstone River. Both have been used as rental residences in recent years, but they are currently vacant and boarded up. The area is located in the Rural Residential (RR-5) and Canal Preservation (CP) zones. The RR-5 zone requires a minimum of 5 acres and the CP zone requires a minimum of 6 acre lots. The lot is non-conforming under RR-5 zoning.

**Laurie Rubber Study Area**

The Laurie Rubber Study Area consists of several parcels of vacant land in the historic East Millstone community. The main parcel is located between the D&R Canal and Market Street. The parcel is the site of a former rubber factory that closed its operations in 1983. The factory buildings were demolished in 1990. Several parcels between Market and Williams Streets are also included in the Laurie Rubber Study Area because they remain under common ownership with the main parcel. Most of these parcels are also vacant; however two of the parcels contain a garage and a storage shed. The entire Study Area is located within the East Millstone Historic District, which consists of a roughly 70-acre village dating to the early 1900s.

The Study Area is located in a historic village. The zoning regulations in the study area are intended to protect the historic and rural character of the area. In addition, the study area is located adjacent to the Delaware & Raritan Canal. The study area is located in the R-10-H zone. The R-10 zoning district is intended to cover fully developed single-family areas with 10,000

square foot lots. The “H” designation indicates that the study area is within a historic district. A portion of this study area is inside Scenic Corridor overlay zone.

### **Franklin Inn-Onka Bus Study Area**

This study area is located adjacent to the East Millstone community, on the north side of Amwell Road and adjacent to the D&R Canal. It consists of a historic inn, constructed in 1752, and a complex of buildings of much more recent vintage used as a bus depot. The study area is located adjacent to a historic rural village. The zoning regulations in place in the study area are intended to protect the historic and rural character of this area. In addition, the study area is located adjacent to the Delaware & Raritan Canal. It is located in the Agricultural zone, which is intended to encourage the preservation uses in the Township. The current uses on this property, a bus depot and bookstore, are non-conforming.

Mr. Regan asked how two years ago, Council determined these areas as redevelopment areas. It was his opinion that the field on the Rubber Factory property should be left alone. Mr. Healy stated that would be a policy decision. Mr. Healy reviewed the criteria that determine areas in need of redevelopment. Mr. Healy reviewed the redevelopment process and reported that the next step is to prepare a redevelopment plan. He stated that this is the first public meeting in the process. Mr. Healy explained the following steps that will occur after this meeting. The redevelopment plan is drafted and submitted to the Township Council and discussed at a work session. It is then referred to the Planning Board for their review and recommendations. The recommendations are sent back to the Township Council. The redevelopment plan is introduced as an ordinance with a public hearing. After the public hearing, Council would adopt the plan.

### **PUBLIC DISCUSSION**

Upon motion by Ms. Ritchie, seconded by Mr. Regan, the meeting was open for discussion. Said motion was carried unanimously upon call of the roll.

Robin Scudder, 43 Livingston Avenue, East Millstone, asked for clarification regarding redevelopment options. Mr. Healy explained that a typical site is looked at how it is used and how it can be redeveloped. A property does not necessarily have to be developed. Mr. Rainone added that the initial thoughts for these properties were to build single family homes and/or leave as open space. He stated the properties are constrained by D&R Commission regulations. Eminent domain could be used to acquire these properties. Being under one ownership would provide flexibility and control.

Andy Fekete, 27 Market Street, expressed his desire to use the land appropriately and to designate it consistent to the residential area. He supported the idea of leaving some of it as open space. He stated that the property had been abused by industry over the years and that there has never been any comprehensive testing to date to see if it is contaminated.

Ted Chase, 159 Old Georgetown Road, gave a brief history of the two historic homes. He stated that something should be done to preserve these historic houses. They need to be stabilized and he noted that they are not in condition to be visited by the public. He stated that if they are preserved, it may be possible to provide once a year a tour supervised by the Historical Society.

Teddi DeVries, 244 Berger Street, stated that she looked at the properties this past weekend. She stated that generally, less is more. She stated that East Millstone is a charming area and nothing should be done to destroy its character. She stated that the Delaware Raritan Canal is a precious resource and the land is very special. She referred to a Spectator article published in 1981 that gives a history of the area. She stated she would come into the Clerk's Office to have it copied for distribution to Council.

Mike Steinberg, 28 Market Street, asked what the motivation of Council was to take this action. Mr. Daly replied a study was conducted and they have been unable to negotiate with the owners of the properties. The Township received a grant from Somerset County to

purchase these properties and they have been unable to negotiate. The preservation of character of the East Millstone area is important. It was noted that there were not any developers behind the Council's decision to designate the area a redevelopment area.

Jan Broeke, 2346 Amwell Road, stated the properties deserve protection and preservation. He stated the houses are a significant historical part of the Township. He agreed that they could not be used for yours, but a museum could be constructed with displays from both houses. Mr. Rainone stated that property was proposed by the Open Space Advisory Committee to be purchased as open space.

Robert von Zumbusch, Vice Chairman, Kingston Village Joint Committee, Trustee of Delaware Raritan Canal Coalition, recognized that all the properties are significant with historical context with the Delaware Raritan Canal. He stated that both houses act as a gateway to Old Georgetown Road and are on the route of the Battle of Monmouth. He expressed his desire to preserve the sites.

Congressman Rush Holt spoke on the Onka property and its importance to the canal's past and future of the Township. He stated that New Jersey's future is in its past. He announced that federal funding has been approved to aid Franklin Township in purchasing the Franklin Inn. He commended the Township for its efforts and noted his eagerness for the outcome.

Iain Haight-Ashton, Meadows Foundation, historian, gave a very detailed history of the houses and area dating back to 1734 involving General Cornwallis.

Laszlo Lipoczky, 145 Old Georgetown Road, expressed his concerns with the current conditions of the property, noting that if there was a fire, there is no access to water.

Liz Paleus, Chairman, Millstone Valley Preservation Coalition, expressed the Coalition's willingness to cooperate and help preserve the historic value of the Millstone Valley. She thanked Franklin Township for their efforts and noted the homes should be stabilized and preserved historically accurate.

Idaherma Williams, 61 Coppermine Road, stated the buildings are a gateway to the area and should be preserved. The original structures should be left in tact and a visitor's center be built. She stated that tourists could look around building, but not enter it.

Tom Gale, 14 Ford Avenue, expressed his concern with the term "redevelopment". He stated that the term should be "conservation". He agreed to keep the structures and have them preserved and protected with very limited public use. It was stated that the best way to preserve these buildings would for the Township to purchase the properties and have them under one ownership.

Philip Kramer, 429 Canal Road, TUF, expressed his concerns regarding the eminent domain process. He stated that one needs a critical need to implement eminent domain and feels that historic preservation could be argued as not being a critical need.

Bonnie Sovinee, Meadows Foundation, stated that the buildings were damaged by Hurricane Floyd in 1999 and are in need of repair. She stated that \$65,000 in FEMA funding was lost because the buildings were privately owned.

Raymond Hills, 49 Franklin Road, expressed his desire to have the buildings preserved.

Robert Mettler, 2303 Amwell Road, stated that each parcel has different character visual assets. He stated that many things could be done to preserve them with limited development. He agrees the properties should be acquired without the use of condemnation.

Mr. Chivukula moved that public discussion be closed regarding the Redevelopment Plans for D&R Canal Redevelopment Area. Said motion was seconded by Mr. Regan and carried unanimously upon call of the roll.

Mr. Chivukula moved that public discussion be opened for any item of discussion. Said motion was seconded by Mr. Regan and carried unanimously upon call of the roll.

Idaherma Williams, 61 Coppermine Road, stated that the house owned by the State in Griggstown is decaying and is in urgent need of repairs. Mr. Daly replied that the Township is pursuing avenues, such as grants, to repair the building and to lease the building from the State. Mr. Daly reported that Mr. Chivukula has been helping the Township with these efforts and there is no progress to report at this time. The State was stopped before it made handicap accessible renovations to the building.

Jan Broeke, 2346 Amwell Road continued his comments on historic houses on the properties.

John McConville, 5 Stone Leigh Way, asked that the Township prioritize what properties and buildings they want to acquire and consider the taxpayers. He suggested that this be done in conjunction with the revision to the Master Plan. Ms. Ritchie stated that the Planning Board is beginning the process with initial public meetings for public input for the Mast Plan. She stated they would be coordinate this with the planning process.

Bruce Hamilton, 1506 Easton Avenue, original member of the Meadows Foundation, expressed his support to preserving the buildings.

Liz Paleus, Millstone Valley Preservation Coalition asked for the status of negotiations of the Bridgetenders House in East Millstone. She stated that there is a contractor who is willing to make needed repairs to the house for \$2500 but they cannot until the lease from the State has been executed.

Deputy Mayor McKenzie moved that the public discussion be closed on any matter of concern. Said motion was seconded by Ms. Ashley-Williams and carried unanimously upon call of the roll.

Mr. Daly stated that no local money has been spent on this process. Grants from Somerset County have been used on the study. Grants will be used to purchase the Franklin Inn. HE stated that the Township is looking from grants and outside assistance.

Ms. Ritchie announced the next three (3) public meetings in connection with the Master Plan revision to be held on January 27<sup>th</sup> at Hillcrest School at 7:30 pm; January 31<sup>st</sup> at the Municipal Building at 7:30 pm and on February 9<sup>th</sup> at the Franklin Park School at 7:30 pm.

#### **COUNCIL RETREAT**

A discussion ensued between Council members regarding the date for the Council Retreat. At the conclusion of the discussion, it was the consensus of Council to hold the Council Retreat on Monday, February 7, 2005 from 6:30 pm to 9:30 pm at the Municipal Building.

#### **ADJOURNMENT**

Motion was made by Deputy Mayor McKenzie and seconded by Ms. Danile to adjourn the meeting at 9:37 p.m. The motion was carried unanimously upon voice vote.

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Brian D. Levine, Mayor

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Ann Marie McCarthy, Township Clerk

Approved:

Date: