

2012 MASTER PLAN REEXAMINATION REPORT

**Lebanon Township
Hunterdon County, New Jersey**

(Adopted by the Planning Board on April 3, 2012)

LEBANON TOWNSHIP PLANNING BOARD

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APRIL 2012

The original of this document was signed and sealed
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Introduction

1. The New Jersey Municipal Land Use Law (MLUL) (N.J.S.A. 40:55D-1 et seq.) provides that each municipality within the State of New Jersey periodically reexamine its Master Plan policies and assumptions, and its zoning restrictions and site plan and subdivision regulations, and prepare and adopt by resolution, a report on the findings of such reexamination. The Reexamination Report must include the following components (N.J.S.A. 40:55D-89):The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
2. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
3. The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.
4. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
5. The recommendations of the 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 current Lebanon Township Master Plan was adopted by the Planning Board pursuant to Article 3 of the MLUL (N.J.S.A. 40:55D-28) in September 2001. The Board subsequently adopted amendments to the Master Plan affecting the following Master Plan Elements, with the date of adoption provided

- 2001 Master Plan, adopted September 2001
- 2001 Statement of Goals and Objectives, adopted September 2001
- 2001 Land Use Plan Element, adopted September 2001
- 2001 Conservation Plan Element, adopted September 2001

- 2002 Reexamination Report, adopted May 2002
- 2002 Farmland Preservation Plan Element, adopted November 2002
- 2002 Open Space and Recreation Plan Element, adopted November 2002
- 2005 Stormwater Management Plan Element, adopted March 2005
- 2005 Housing Plan Element and Fair Share Plan, adopted November 2005
- 2009 Reexamination Report, adopted March 2009
- 2010 Housing Plan Element and Fair Share Plan, adopted June 2010

Since the time of adoption of the last amendment to the Master Plan, the assumptions, policies, and objectives upon which the Master Plan is based have changed by virtue of: a) the enactment of the Highlands Water Protection and Planning Act (“Highlands Act,” N.J.S.A. 13:20-1 et seq.) by the State Legislature on August 10, 2004; b) the adoption of the Highlands Regional Master Plan by the Highlands Water Protection and Planning Council (“Highlands Council”) on July 17, 2008, which became effective on September 8, 2008; (c) the requirement of the Highlands Act that municipal Master Plans and regulatory provisions be brought into alignment with the Highlands Regional Master Plan for lands located within the Highlands Preservation Area; d) the authorization within the Highlands Act for voluntary municipal Master Plan and regulatory conformance with the Highlands Regional Master Plan with respect to lands located within the Highlands Planning Area; and e) the affirmative decision of the Lebanon Township Committee to conform to the Highlands Regional Master Plan for municipal lands located in both the Preservation and Planning Areas by Resolution 01-2010 adopted on January 20, 2010.

Accordingly, the Planning Board has reexamined the Township Master Plan and development regulations to determine the specific changes necessary to achieve consistency with the Highlands Regional Master Plan and thereby, to incorporate the specific changes in State policies, goals, and objectives as set forth by the Highlands Act. It is the intent of this Report to identify the specific revisions needed to bring the Township Master Plan and development regulations into conformance with the Highlands Regional Master Plan.

1. Major Land Development Problems & Objectives

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

- a. With the adoption of the Highlands Regional Master Plan (RMP) in September 2008 the Township set out upon the plan conformance process.
- b. The Planning Board adopted a revised Housing Plan Element and Fair Share Plan in June 2010, but the failure of the State to adopt affordable housing regulations that meet the standards on New Jersey’s Courts has stalled the implementation of affordable housing goals in the State.

2. Extent of Reduction/Increase in Problems & Objectives

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

- a. The approval by the Highlands Council of the Township's planning documents on October 13, 2011 has set in motion the Township's compliance obligations.
- b. The State's continued failure to provide any guidance concerning affordable housing has frustrated any attempts by the Township to plan for affordable housing. In addition, the adoption by the State of a statute that requires the expenditure of the Township's affordable housing trust fund by July 2012 or risk forfeiture has further frustrated municipal planning.

3. Significant Changes in Assumptions, Policies, Objectives

Since the reexamination of the Township Master Plan on March 3, 2009, the adoption of the Regional Master Plan by the Highlands Council, and the adoption by the Township Committee of its resolution to conform the municipal planning documents to the Regional Master Plan, have significantly altered and increased the objectives that must be addressed in the Township Master Plan, including but not limited to incorporating a variety of Highlands Resource protection standards, providing an emphasis on infrastructure and environmental carrying capacities, and initiating a substantial modification to the methodology to be used in determining permitted densities of development within the municipality.

4. Specific Recommended Changes to the Master Plan

The Planning Board recommends that specific changes to the Lebanon Township Master Plan be adopted, including modifications to the underlying objectives, policies and standards, all as outlined in detail in the "Highlands Master Plan Element", which is to be adopted in conjunction with this Reexamination Report.

5. Specific Recommended Changes to Development Regulations

The Planning Board recommends that the specific changes, as detailed in the document titled "Lebanon Township Highlands Area Land Use Ordinance," approved by the Highlands Council as part of the Township's Petition for Plan Conformance, be adopted by the Township Committee to implement the objectives, policies and standards as outlined in the Highlands Element of the Master Plan.

6. Changes Recommended for Incorporation of Redevelopment Plans

At this time the Planning Board makes no findings or recommendations regarding the incorporation of redevelopment plans pursuant to the Local Redevelopment and Housing Law, P.L. 11992, c.79 (C.40A:12A-1 et al.).