

**FOR CONSIDERATION AT THE NOVEMBER 19, 2010 MEETING OF THE
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
Petition for Plan Conformance – Final Consistency Review and Recommendations Report**

APPENDIX D

PUBLIC COMMENTS/HIGHLANDS COUNCIL RESPONSES

Petition for Plan Conformance

Lebanon Borough, Hunterdon County

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PUBLIC COMMENTS RECEIVED

Written comments regarding Lebanon Borough's Petition for Plan Conformance were accepted by the Highlands Council through the close of the Public Comment period on November 9, 2010. Comments were provided by the following individuals/entities:

1. Julia Somers, Executive Director, New Jersey Highlands Coalition
2. Glenn S. Patel of DrinkerBiddle & Reath, LLC

The comments are summarized in the section that follows with Highlands Council responses provided below, for each.

1. PUBLIC COMMENT/RESPONSE SUMMARY

1. **Comment:** The letter dated October 26, 2010 from Julia Somers Executive Director of the New Jersey Highlands Coalition (Coalition), stated that the Lebanon Borough Petition for Plan Conformance demonstrates that a municipality in the Planning Area can still pursue appropriate, resource-based economic growth and development of a commercial-industrial corridor, while protecting the remaining critical resources. The Coalition supports the approval of the Petition by the Highlands Council with the staff recommendations.

Response: The New Jersey Highlands Coalition comments are acknowledged by the Highlands Council in support of Lebanon Borough's Planning Area Petition for Plan Conformance.

2. PUBLIC COMMENT/RESPONSE SUMMARY

1. **Comment:** The letter dated November 8, 2010 from Glenn S. Patel, DrinkerBiddle&Reath, LLP (under email signature from "michael.smith@dbr.com") regarding the Bellemead/Route 78 Corporate Center Map Adjustment requested that: 1) The entirety of the 78 Corporate Center at Lebanon (the Corporate Center) should be included within the Existing Community Zone on the Highlands Land Use Capability Map; and 2) The Borough's Highlands Land Use Ordinance should include language making it clear that the entirety of the Corporate Center may be developed in the future, free of any limitations which may otherwise be imposed by the Highlands Water Protection and Planning Act (Highlands Act).

2. **Response:** The Highlands Council staff agrees with the staff recommendation that the Map Adjustment requested by Lebanon Borough for the Bellemead property (a.k.a. the Corporate Center) in connection with the Borough's Petition for Plan Conformance be approved. The change from Protection Zone to Existing Community Zone for the approved development areas would have no impact on adjoining properties or Regional Master Plan (RMP) policies applicable to the adjacent Existing Community Zone. The properties have access to major transportation infrastructure, have reserved water/wastewater capacities, and will allow for concentrated commercial development in a "node" type Center format, as provided by the State Development and Redevelopment Plan. A small

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portion of the property appropriately remains in the Protection Zone, as it is within a Highlands Open Water buffer and is not approved for development.

The Highlands Council finds that the Map Adjustment as proposed herein complies with the intent and purpose of the RMP and the Highlands Act and supports resource protection and smart growth planning principles. The Highlands resources associated with the Map Adjustment areas do not represent a loss of Protection Zone resource values, are consistent with the resources of the Existing Community Zone and shall be protected through the adoption of the Highlands Land Use Ordinance. In accordance with the RMP and the approved Petition for Plan Conformance the Ordinance will apply should an application for development regarding the parcels be reviewed by the municipality under the provisions of the Highlands Land Use Ordinance. As such, the rights of development regarding the Bellemead property do not change under the Highlands Act or Municipal Land Use Law. Therefore, the Highlands Council has not incorporated the request from Bellemead for inclusion of the entire parcels in the Existing Community Zone. The current approvals for Bellemead remain in effect and may be effectuated while valid. Any modifications to those approvals are not “free of any limitations which may otherwise be imposed” by the Highlands Act.