

Lebanon Borough Chapter of the Hunterdon County Wastewater Management Plan

**Amending the Following Areawide Water Quality Management Plan:
Upper Raritan**

Prepared by the State of New Jersey Highlands Water Protection and Planning Council in support of Lebanon Borough's approved Petition for Plan Conformance and the Water Quality Management Planning Rules, N.J.A.C. 7:15.

Submitted by the Board of County Commissioners of the County of Hunterdon

Approved by the New Jersey Department of Environmental Protection:

May 2024

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Introduction

The New Jersey Department of Environmental Protection (DEP) is responsible for ensuring that all areas of New Jersey are addressed by Wastewater Management Plans (WMPs) that comply with the provisions of the Water Quality Management Planning (WQMP) Rules at N.J.A.C. 7:15. Within the Highlands Region, this process will be achieved through a coordinated process with the affected county, municipality and the Highlands Water Protection and Planning Council (Highlands Council) as provided in N.J.A.C. 7:15-2.9 and N.J.A.C. 7:38-1.1. One of the conditions for each municipality that fully conforms to the Regional Master Plan (RMP) (“Plan Conformance” for the entire municipality) is the development of a municipal WMP or municipal chapter for a County WMP, as appropriate, in conformance with the RMP, and where applicable the DEP Highlands Preservation rules N.J.A.C. 7:38-3.4 (a and b) and N.J.A.C. 7:15. Please note that the WMP document only takes into consideration consistency with the septic guidelines of the RMP Policy 2L2 (see **Appendix E**) and does not apply to any RMP consistency determinations required for other Highlands resources; these resources include, but are not limited to: Highlands Open Water Buffers, Forests Resource Areas, Prime Groundwater Recharge Areas, Carbonate Rock, Vernal Pools, Highlands Critical Habitat, and Steep Slopes. The purpose of the WMP is to ensure that sewer service areas and non-sewer service areas (septic system service area) for wastewater planning flows of 2,000 gallons per day (gpd) or less (individual subsurface sewage disposal systems – ISSDS) are consistent with the Land Use Capability Zone (LUCZ) Map designations and policies of the Highlands RMP. The WMP is therefore a direct result of the Plan Conformance process, intended to be adopted as the municipal chapter of the relevant County WMP where a County WMP is developed, or as a stand-alone document where a County WMP is not developed. Municipalities that do not pursue Plan Conformance for the Planning Area will address their wastewater planning responsibilities in cooperation with their counties or directly with DEP, which in turn will coordinate review with the Highlands Council.

Lebanon Borough is a municipality that fully conforms to the Highlands Water Protection and Planning Act (Highlands Act) and the Highlands RMP. On November 19, 2010, the Highlands Council adopted Resolution #2010-10 (**Appendix A**) which approved Lebanon Borough’s Petition for Plan Conformance which the Borough amended in 2018 to include the Highlands Designated Center (**Appendix A**), subject to conditions as set forth in the Final Consistency Review and Recommendation Report for Lebanon Borough (**Appendix B**). Plan Conformance applies to the entirety of Lebanon Borough – within the Highlands Planning Area. On November 22, 2016 the municipality adopted land use ordinance amendments consistent with the Highlands Council’s approval of the Petition for Plan Conformance (**Appendix D**). A condition of the approved Petition for Plan Conformance, as detailed in the Final Consistency Review and Recommendation Report, is the requirement that Lebanon Borough adopt a WMP working with the Highlands Council under Plan Conformance. As such, this Lebanon Borough Chapter of the Hunterdon County WMP is developed under Plan Conformance for the entire Borough. The Highlands Council worked cooperatively with Lebanon Borough throughout the Plan Conformance process to conduct an extensive analysis of the complete land area of the municipality, using a geodatabase that documents the status of development for each parcel, and wastewater utility service, build-out potential, etc. Mapping depicting these analyses, as identified in this document, is provided.

Lebanon Borough meets the definition of an urbanized municipality, as defined in N.J.A.C. 7:15-1.5 as greater than 90% of its land area appears as Urban Lands as designated in the DEP’s most recent Land Use/Land Cover database. Future wastewater flow for urbanized municipalities are estimated using projected population increase and known new non-residential flow in accordance with N.J.A.C. 7:15 4.5(b)1ii(1).

Wastewater Management Planning Area

The WMP Area is Hunterdon County. This document is the Lebanon Borough municipal chapter of the Hunterdon County Wastewater Management Plan (WMP). The WMP chapter has been submitted to the DEP for approval so that it may be incorporated into the Upper Raritan WQMP Water Quality Management Plan via the plan amendment procedure at N.J.A.C. 7:15-3.5.

Summary of Significant Actions Proposed in this WMP

The WMP chapter was reviewed in accordance with the WQMP rules and the Highlands RMP for areas eligible for sewer service and non-sewer service areas. Because of this evaluation, 181 acres are being removed from the sewer service area. The applicable areas were then assessed to determine if there was adequate wastewater treatment capacity available for the identified type of wastewater service. Land located outside the Highlands Designated Center, roadways and highways and the environmentally sensitive areas in the south-eastern portion of Lebanon Borough were removed from the sewer service area. Thirty-five (35) acres are designated as future sewer service area with an additional 9,202 gallons per day (gpd) proposed to go to the Readington-Lebanon Sewerage Authority (RLSA) treatment facility located in Readington Township, which is outside of the Highlands jurisdiction.

The identified sewage treatment plant has adequate existing capacity to serve the areas identified as eligible for sewer service area. However, the amount allocated to Lebanon Borough from Readington-Lebanon Sewerage Authority is not adequate to treat the full build-out for the Borough. The Readington-Lebanon Sewerage Authority allocates 241,000 gpd to Lebanon Borough and 20,000 gpd to Round Valley Recreational Area. Round Valley Recreational Area's max 5 year rolling average is 3,329 gpd, and the park facilities are not expected to expand, while Lebanon Borough slightly exceeds their allocated capacity after build-out. Therefore, Lebanon Borough suggests Readington-Lebanon Sewerage Authority consider additional allocation to Lebanon Borough.

Please note that 2018 had numerous precipitation events, consequently the previous five years are not representative of the high flow numbers seen in 2018. Under more average weather conditions, the wastewater treatment facility can adequately support the build-out of Lebanon Borough. There may be Inflow and Infiltration (I&I) issues that, if addressed, could alleviate the stresses from the additional build-out. With the sudden increase in flows received by RLSA starting 2017, the Lebanon Borough Sewerage Authority (LBSA) is currently undertaking an area-wide re-evaluation of the capacity limitation of the existing system, working concurrently with RLSA on metering the system. Additionally, LBSA is evaluating public water use (Town of Clinton Water Company) based upon billings on an annual basis with evaluation of significant increases at selected locations. The entire sewer system was smoke tested in 2013 with repairs undertaken in 2014 and 2015. The system was jetted and videoed over 3 years with the results being used to institute repairs and upgrades in 2019 and 2020. The system is currently being monitored with 5 portable meters and coordinated with RLSA recordation at the pump station.

Areas identified as non-sewer service areas, which are served by ISSDS, have been evaluated in accordance with the standards established at N.J.A.C. 7:38-3.4(b) or identified in the RMP Land Use Capability Zones (LUCZs), as applicable, based on the type of Highlands Area, to determine the potential number of equivalent dwelling units which could occur within the Highlands Region. The build-out analysis identified one (1) additional septic system in the Planning Area for all RMP LUCZs and HUC 14 subwatersheds. In addition to this build-out analysis, underdeveloped parcels in the Planning Area were evaluated to determine the number of equivalent dwelling units which could potentially occur since they would not be evaluated against the septic standards set by the RMP if the development proposes fewer than three residential units. Lebanon Borough has the potential for three (3) dwelling units that could be developed on underdeveloped parcels in the Planning Area. These

three (3) dwelling units that could be developed would exceed the nitrate standards allowed based on RMP LUCZ in the Planning Area. The septic build-out for underdeveloped parcels is based on some assumptions and does not take into account environmental constraints that may affect the buildability of a parcel. Therefore, the total number of equivalent dwelling units is approximate. A future analysis to determine whether these parcels are buildable may be undertaken thus possibly reducing the number of septic systems that contribute to a potential exceedance in nitrate dilution. The Highlands Council will work with the Borough through the Plan Conformance Grant Program to fund such analyses.

Sewer Service in the Highlands Region

1. Assigned Sewer Service Area – These areas may be designated as one of the following:

- a. The Existing Areas Served (EAS) includes all areas currently served by New Jersey Pollutant Discharge Elimination System (NJPDDES)-permitted wastewater treatment facilities, both domestic and industrial, discharging to surface or ground water, including T-1 sites (general NJPDDES permit for existing sanitary septic system with design flow of greater than 2,000 gallons per day which were designed and approved in accordance with either N.J.A.C. 7:9A-1 et seq. or its regulatory precursors prior to January 1, 1990);
- b. In the Highlands Planning Area, the Future Sewer Service Area (FSSA) includes other lands in Highlands conforming municipalities as defined at N.J.A.C. 7:15-1.5, proposed for treatment by a NJPDDES permitted facility in accordance with N.J.A.C. 7:15-4.4(c)2. Sewer service may only be provided to those areas established within the RMP as Existing Community Zone (excluding the Environmentally-Constrained Subzone), Lake Community Sub-Zone, or designated as Highlands Redevelopment Areas or Highlands Centers. Additionally, lands previously approved by the DEP as sewer service areas for which a currently valid municipal development approval and valid DEP Treatment Works Approval (TWA), if required, has been issued and is currently in effect, where such information was documented by the municipality or the DEP and provided to the Highlands Council are included in the sewer service area;

Environmentally Sensitive Areas

Under the WQMP rules, large contiguous environmentally sensitive areas defined as 25 acres or larger consisting of habitat for endangered and threatened species as identified on the Landscape Project Maps of Habitat for Endangered, Threatened or Other Priority Species Ranks 3, 4, or 5 (currently Version 3.3), Natural Heritage Priority Sites, Category One waters and their corresponding 300-foot riparian zones, and wetlands, alone, or in combination, should be excluded from areas eligible for sewer service. However, the WQMP rule provides, at N.J.A.C. 7:15-4.4(i)-(m), several exceptions which allow environmentally sensitive areas to be included in areas eligible for sewer service.

Grant Conditions

RLSA is subject to a Federal 201 Facilities Plan grant condition as part of the grant agreement executed between RLSA and the U.S. Environmental Protection Agency (USEPA) under Project Number C-34-509-01 and C-34-535-01, prohibiting any sewer connection to a property with wetlands or within the 100-year floodplain in Lebanon Borough unless a mapping revision or grant waiver is obtained from the USEPA.

RMP Consistency Determinations: Any proposed modification to this WMP will not be approved without a review of Highlands RMP consistency by the Highlands Council and coordination between the Highlands Council and the DEP in accordance with N.J.A.C. 7:38-1.1(k) and 7:15-2.9.

Additional properties may be proposed for inclusion in the assigned sewer service area through DEP approval of amendment(s) to this WMP, where determined to be exempt from the Highlands Act or consistent with the RMP (through a Highlands Council Consistency Determination). Amendments may also be approved to address public health and safety issues. Further, connection of additional properties or expansion of flows from existing connections is subject to municipal approval regarding availability of utility capacity, including both remaining available utility capacity (e.g., wastewater flows) and infrastructure capacity (e.g., pump stations, mains). Compliance with the connection requirement will be governed through compliance with N.J.A.C. 7:9A-1.6(e), which provides guidance on sewer connections.

Wastewater Treatment Facilities

This section addresses wastewater treatment facilities currently or anticipated to be utilized within the municipality, regardless of whether the treatment works itself is located within or outside of the municipality. Facility tables are provided for each existing and proposed wastewater treatment facility.

Overview of Wastewater Services and Wastewater Responsibilities

Existing Public Wastewater Treatment Works and Service Area

Table 1 lists the major domestic wastewater treatment facilities and the municipality or municipalities they serve, and the existence of any Federal 201 grant limitations (treatment facility or collection system) which prohibit the extension of sewer service to environmentally sensitive areas.

Table 1. Wastewater Districts and Franchise Areas		
Wastewater Utility	Municipalities Served	Federal 201 Grant Limitation
Readington- Lebanon SA	Lebanon Borough and portions of Readington Township and Clinton Township	Wetlands and 100-year floodplains

Wastewater Facility Tables

Below are wastewater facility tables for all sanitary and/or process wastewater discharge to surface water facilities and those sanitary and/or process wastewater discharge to ground water facilities discharging greater than 2,000 gpd (e.g., requiring NJPDES permits). They include domestic wastewater treatment facilities which may serve one or multiple municipalities, onsite domestic treatment facilities, onsite existing sanitary septic system general permit (T-1) treatment facilities, and/or industrial treatment facilities which treat only industrial process wastewater, and/or facilities serving industrial land uses that have independent wastewater treatment facilities that treat and discharge manufacturing process waste and/or sanitary sewage that may be discharged to ground water or to surface water.

Table 2.READINGTON- LEBANON SEWERAGE AUTHORITY TREATMENT FACILITY		
1. Existing or proposed facility:	Existing	
2. New Jersey Pollutant Discharge Elimination System Permit (NJPDES) Number:	NJ0098922	
3. Discharge to ground water (DGW) or surface water (DSW):	SW	
4. Receiving water or aquifer name:	Rockaway Creek SB	
5. Classification of receiving water or aquifer:	FW2-NT(C2)	
6. Owner of facility:	Readington Lebanon Sewerage Authority	
7. Operator of facility:	Jill A. Plesnarski	
8. Co-Permittee of facility (<i>where applicable</i>):		
9. Location of facility:		
a. Municipality & County	Readington Township, Hunterdon County	
b. Street address	1A Old Rt 28	
c. Block(s) and Lot(s)	Block 9 Lot 13	
10. Location of discharge:	Longitude -74.763358 Latitude 40.624116	
11. Present permitted flow:	1.2 MGD	
12. Summary of population served/to be served:	Current (Year 2018) Population	Build-Out Population
Lebanon Borough	980	1,004
13. Summary of wastewater flow received/to be received as a 30-day average flow for DSW or a daily maximum flow for DGW*:	Max 12- Month Rolling Average Over 5 Years (in MGD)	Build-Out (MGD)**
Lebanon Borough	0.236766	0.245698

*RLSA also serves portions of Readington Township and Clinton Township.

**Lebanon has an allocation of 0.241 mgd from RLSA.

Non-Sewer Service Areas (Wastewater Planning Flows of 2,000 gallons per day (gpd) or Less)

Remaining areas of the municipality, not otherwise identified as eligible to receive sewer service from a NJPDES regulated domestic or industrial treatment works, where small treatment works that treat 2,000 gpd or less of wastewater with discharge to groundwater, are included within the non-sewer service area. This category applies to all lands for which the density of new septic system development will be consistent with applicable septic density/nitrate dilution allowances. Portions of the Existing Community Zone or Highlands Centers that are not sewerered and are not intended to receive sewer service may be designated in the same manner. These areas will be subject to a septic maintenance program that will ensure these facilities are functioning properly.

In the Highlands Planning Area, for Highlands conforming municipalities, the nitrate dilution capacity analysis shall be performed in accordance with the procedures set forth pursuant to the Highlands RMP; however, development is not evaluated against the septic standards set by the RMP if the development consists of fewer than three residential dwelling units.

The septic build-out for underdeveloped parcels in the Planning Area is based on some assumptions, as discussed in **Appendix F**, and therefore the total number of equivalent dwelling units is approximate.

Projects in non-sewer service areas with cumulative wastewater flows of more than 2,000 gpd shall not be eligible for NJPDES discharge permits or TWAs unless a WQMP revision or amendment to this WMP is proposed and adopted to change the service area designation from a non-sewer service area to a sewer service area (assigned) for one of the following reasons:

- Projects approved under septic system density provisions consistent with the RMP, as required by the Highlands land use ordinance amendments adopted by the municipality pursuant to Highlands Council approval of its Petition for Plan Conformance. (NOTE: Approval pursuant to these provisions is deemed in conformance with the septic system density requirements of N.J.A.C. 7:15);
- The Highlands Council has determined that the discharge is consistent with the RMP; or
- The development activity is exempt from the Highlands Act.

Municipal Build-Out Results

The Highlands Technical Method for WMP Build-Out Analysis (attached as **Appendix F**) for Lebanon Borough is based upon the Highlands Council's projected population increase for Lebanon Borough, Highlands LUCZs in the Planning Area, prior approvals, and exemptions. Open space, preserved land, and DEP environmentally constrained land are not included as developable land in the build-out analysis for the assigned sewer service areas.

Lebanon Borough is unique in that the majority of the Borough has been designated as a Highlands Center. The Highlands Center comprises most of the Borough's land (90.5%) except for small areas in the northwest and south. Nearly all of the Borough's residential development and all of its commercial and industrial development is located in the Center. The areas within the Highlands Center either are designated as assigned future sewer service areas or are assigned as existing areas served. The build-out analysis did not identify any exempt parcels or parcels that can support additional septic systems within the Highlands Center. Outside the Center, the farm in the northwestern portion of the municipality is preserved and the state land in the south is designated as existing area served.

The Highlands Council estimated the following new development units for potential developable lands for the entire municipality, as summarized in **Table 6** below. The results of the municipal build-out analysis are designed to be utilized at a municipal scale and are not appropriate for determining if a particular parcel or development project is consistent with the RMP (for example, certain results regarding residential or non-residential development that may be altered through a specific development review). The municipal results are a result of current conditions and application of RMP septic requirements. The analysis below provides a critical planning tool but cannot be used as a definitive prediction of the future or as a basis for parcel-based development potential.

Development in Assigned Sewer Service Areas: As summarized in **Table 6**, 8 residential units and 96,512 square feet of non-residential development result in a wastewater demand of 8,932 gpd, or 0.008932 million gallons per day (MGD).

Available Wastewater Utility Capacity and Municipal Build-Out Results

Assigned Sewer Service Area – Table 3 shows wastewater flows within the Sewer Service Area for the facilities discussed under the section Municipal Build-Out Results.

	Facility	NJDPEs Permit #	Municipality	Current Flow ¹ (MGD)	Additional Projected Flow ² (MGD)	Total Build-Out Flow ³ (MGD)	NJDPEs Permitted Flow (MGD)	*Allocated Flow (MGD)	*Allocated Surplus (+) or Deficiency (-) ⁴
Assigned	Readington-Lebanon SA	NJ0098922	Lebanon Borough	0.236766	0.008932	0.245698	1.2	0.241	-0.004698

* Allocation identified in this document are neither NJDEP-determined nor NJDEP-enforced. They are used entirely by RLSA and its customer communities. The NJDEP does not establish these allocations and is not involved in any agreements to set them.

Nitrate Dilution Analysis

The build-out method for non-sewer service areas (discharges to groundwater with planning flows of 2,000 gpd or less) in the Highlands Region is based on RMP Policy 2L2 (see **Appendix E**). The septic system yields associated with this area are listed in **Tables 4 and 5**. A Septic Inventory of properties with existing septic systems is provided in as **Appendix G**.

Development Reliant on Septic Systems: The build-out identified the potential for one (1) septic systems in the Planning Area for all RMP LUCZs. Lebanon Borough has three (3) parcels that can support one equivalent dwelling unit qualifying as underdeveloped lots in the Planning Area.

Table 4 shows the septic densities allowed based on RMP Land Use Capability Zone (LUCZ) in the Planning Area.

RMP Land Use Capability Zone	Septic Density (acres/du ⁵)
Protection Zone	26
Conservation Zone	10
Existing Community Zone	9

¹ Highest consecutive rolling 12-month average in most recent 5 years of DMR Data for January 2013 to December 2018, with the highest 12-month period being between January 2018 and December 2018.

² Combined flows from both existing developments not connected to the STP and acreage that can support development within the SSA – See **Appendix F** – “Highlands Technical Method for WMP Build-Out Analysis”

³ Combined flows of Current and Projected Flows

⁴ A deficiency will constitute a “potential capacity deficiency”

⁵ du- dwelling unit

Table 5 shows the total number of units projected based on LUCZ in the Planning Area. Nitrate dilution capacity is exceeded when projecting for potential development of undeveloped and underdeveloped parcels in the Planning Area.

Highlands Area	Developable Land (acres)	Allowed Units based on Septic Density*	Nitrate Dilution Capacity Exceeded **	Total New Units
Planning Area	22	1	3	4

*Number of equivalent dwelling units projected based on the results of nitrate capacity build-out analysis

** Number of equivalent dwelling units projected based on the number of parcels exempt from the Highlands Act or not subject to evaluation against the RMP

	Preservation Area	Planning Area	Totals
Residential units – Sewered	NA	8	8
Exempt Residential units – Sewered	NA	0	0
Septic System Yield (LUCZ) (equivalent dwelling units)	NA	1	1
Underdeveloped Residential units- Septic	NA	3	3
Non-Residential – Sewered	NA	96,512 sq. ft.	96,512 sq. ft.

Strategies to Address Capacity Deficiencies

The identified sewage treatment plant has adequate existing capacity to serve the areas identified as eligible for sewer service area. However, the amount allocated to Lebanon Borough from Readington-Lebanon Sewerage Authority is not adequate to treat the full build-out for the Borough. Readington-Lebanon Sewerage Authority allocates 241,000 gpd to Lebanon Borough and 20,000 gpd to Round Valley Recreational Area. Round Valley Recreational Area's max 5-year rolling average is 3,329 gpd, and the park facilities are not expected to expand. Therefore, Lebanon Borough suggests Readington-Lebanon Sewerage Authority consider additional allocation to Lebanon Borough. Please note that 2018 had numerous precipitation events, consequently the previous five years are not representative of the high flow numbers seen in 2018. Under more average weather conditions, the wastewater treatment facility can adequately support the build-out of Lebanon Borough. There may be Inflow and Infiltration (I&I) issues that, if addressed, could alleviate the stresses from the additional build-out. Currently the LBSA is conducting an area-wide metering and water use analysis of the system to eliminate, to the maximum extent possible, Inflow and Infiltration. LBSA is also reviewing significant increases in metered water flow to make sure commercial uses are staying within their capacity agreements. LBSA is working with RLSA to identify sources for the sudden increase in flow, as measured at the RLSA Pump Station starting in late 2017, which do not relate to actual water consumption within the Sewer Service Area.

The septic build-out for underdeveloped parcels is based on some assumptions and does not take into account environmental constraints that may affect the buildability of a parcel. Therefore, the total number of equivalent dwelling units is approximate. A future analysis to determine whether these parcels are buildable may be undertaken, thus possibly reducing the number of septic systems that contribute to a potential exceedance in nitrate dilution. The Highlands Council will assist the Borough, through the Plan Conformance Grant Program in the development of these studies.

Septic Maintenance Program

The WQMP rules require that WMPs for municipalities with septic systems contain a septic system maintenance program that at a minimum contains the following:

- A current inventory of ISSDS;
- A description of the current practices required to promote ISSDS care and maintenance; and
- A description of planned improvements to the current practices to improve the septic system inventory and promotion of improved septic system care and maintenance.

The septic inventory of all existing septic systems within the municipality can be found in **Appendix G** and the Septic Maintenance Program can be found in **Appendix I**. Compliance with the maintenance component has been partially demonstrated through the previous adoption of a Septic System Maintenance Ordinance #91-04, **Appendix H**, which under Section Five requires compliance with N.J.A.C. 7:9A-12.1. N.J.A.C. 7:9A STANDARDS FOR INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEMS, was most recently reissued July 6, 2021 therefore #91-041 will require review and possibly an amendment to remain in accordance with the current 7:9A. Examples of a proper septic maintenance program includes identifying problem areas, narrative for permitting process, maintenance requirements for owners/users, pump out requirements, education/outreach on proper maintenance, record creation and maintenance, response actions to complaints, or remedial actions required for failing septic systems and reporting to DEP.

Mapping Requirements Pursuant to N.J.A.C. 7:15-4.3(c)

The relevant mapping requirements of the Water Quality Management Planning Rules at N.J.A.C. 7:15-4.3(c) are met through the following maps for Lebanon Borough, as developed specifically for the WMP or as identified and included from the Highlands Plan Conformance documents approved by the Highlands Council. Maps of existing and future treatment works and sewer service areas are used by the DEP for WQMP consistency reviews regarding proposed TWAs and NJPDES permits. They have been developed specifically for this WMP Chapter and are incorporated herein. Maps of environmental and administrative features are used by DEP as basis and background information for the identification of areas eligible for sewer service.

- **Wastewater Management Plan Area (Map #1) Jurisdictional Boundaries** – The affected WMP Chapter Area is the municipal boundary of Lebanon Borough and the Areawide WQMP is the Upper Raritan, both of which are shown on the municipal maps. Lebanon Borough is entirely within the Highlands Region, entirely within the Planning Area.
- **Selected Environmentally Sensitive Features (Map #2)**
 - Suitable habitat for endangered and threatened wildlife species Rank 3, 4, and 5 (Version 3.3)
 - Surface waters
 - Category One Waters and their corresponding 300-foot riparian zones (NOTE: Under the Regional Master Plan, all Highlands Open Waters in the Planning Areas are associated with 300-foot buffers.)
 - Freshwater wetlands
 - Environmentally sensitive areas in which 201 Facilities Plan grant limitations prohibit the extension of sewer service
- **Highlands Land Use Capability Zones (Map #3a)**
 - Land Use Capability Zones established within the RMP
- **Wastewater Service Area (Map #3b)**
 - District boundaries of sewerage authority districts, any municipal authorities, or municipal utility authority districts

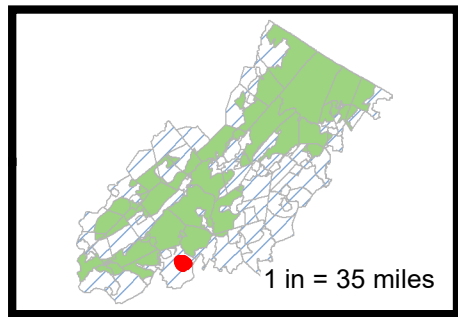
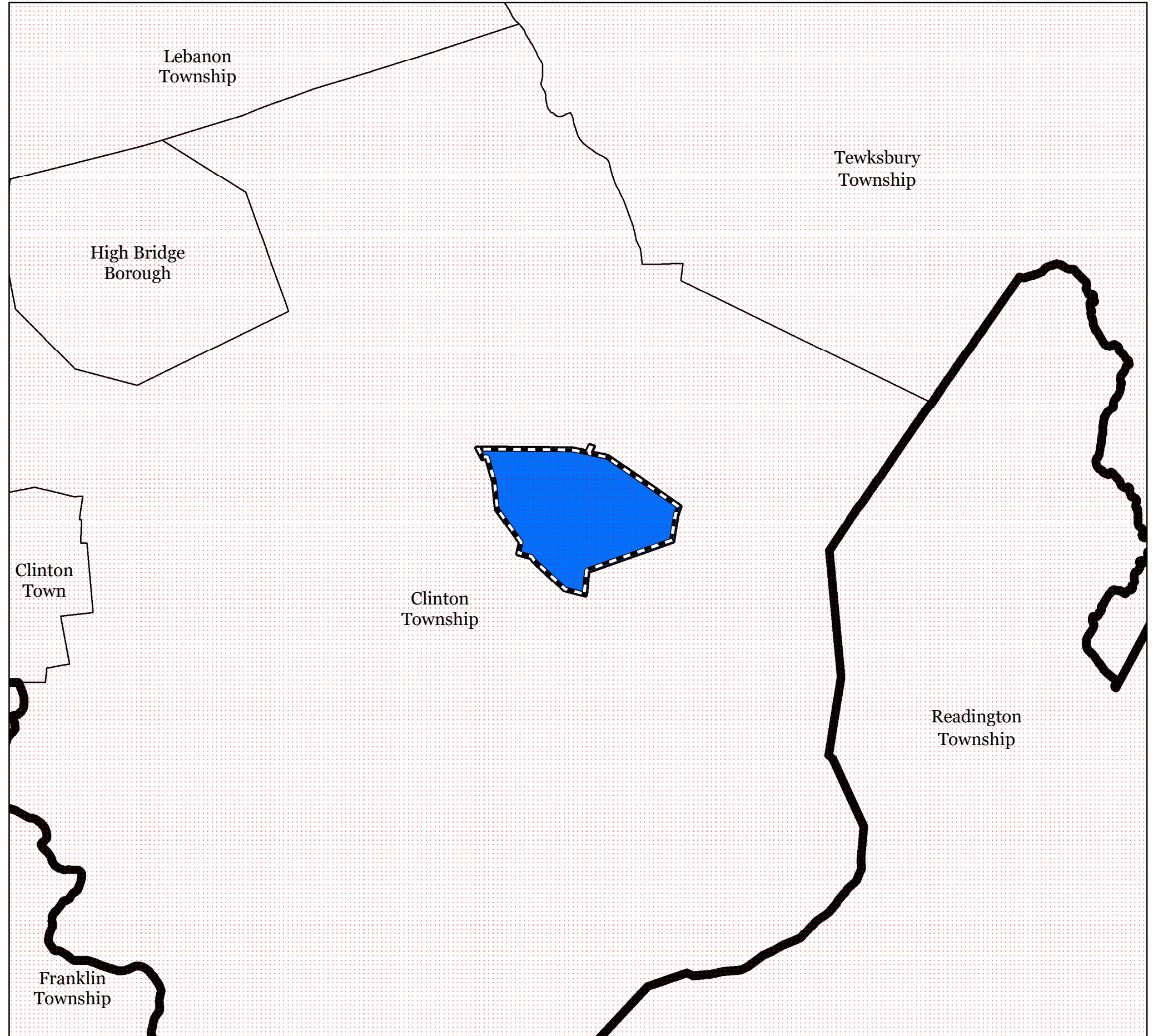
- Franchise areas for sewer utilities regulated by the Board of Public Utilities or other contractual boundaries
- Existing and future domestic and industrial treatment works
- Highlands Designated Center boundary
- Assigned sewer service area
 - Readington-Lebanon Sewerage Authority (NJ0098922)
- Non-sewer service area (planning flows of 2,000 gpd or less that discharge to groundwater)
- **Composite Zoning (Map #4)**
 - Parcel mapping
 - Current municipal zoning

**MAP 1 - BOROUGH OF LEBANON
WASTEWATER MANAGEMENT PLAN AREA**

Wastewater Management Plan
Lebanon Borough, Hunterdon County, New Jersey
August 8, 2019

Legend

-  WMP Area - Lebanon Borough
-  Upper Raritan Water Quality Management Area
-  Highlands Boundary
-  Municipal Boundaries
-  Highlands Planning Area










N
1 inch = 0.75 miles
1 inch = 3,960 feet

**MAP 2 - BOROUGH OF LEBANON
SELECTED ENVIRONMENTALLY SENSITIVE FEATURES**

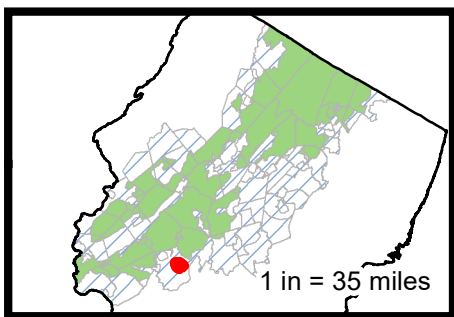
Wastewater Management Plan
Lebanon Borough, Hunterdon County, New Jersey
July 19, 2024

Legend

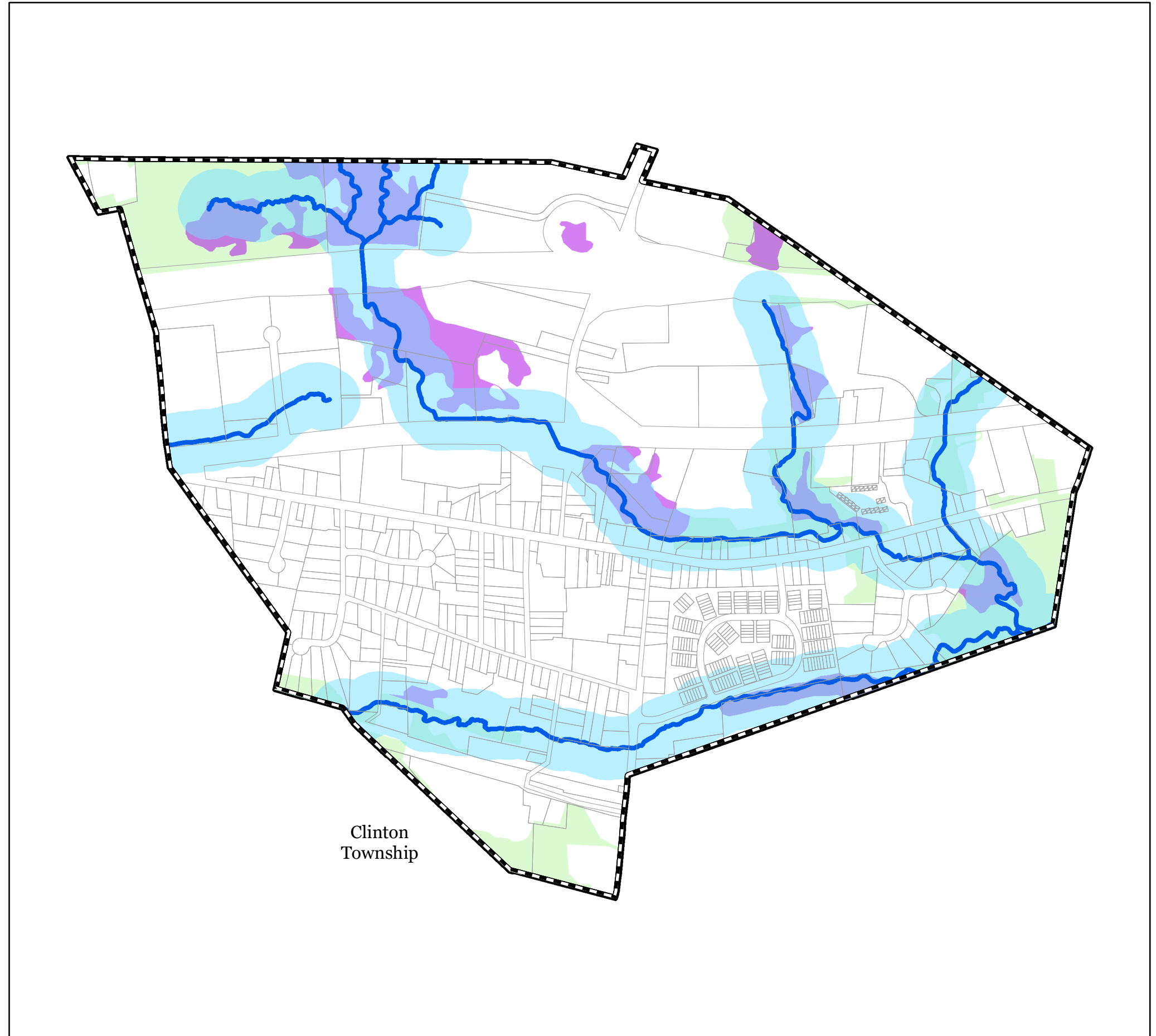
-  WMP Area - Lebanon Borough
-  Municipal Boundaries
-  Parcel Boundaries
-  Surface Water
-  Wetlands
-  C1 Surface Waters and Associated 300ft Buffer
-  Rank 3, 4, and 5 Habitat

Development in areas mapped as environmentally sensitive features may be subject to special restrictions under Federal or State statutes or rules. Interested persons should check with the Department of Environmental Protection for the latest information. Depiction of environmental features shall be for general information purposes only, and shall not be construed to define the legal geographic jurisdiction of such statutes or rules.

Pre-existing grant conditions and requirements (from Federal and State grants or loans for sewerage facilities) which provide for restriction of sewer service to environmentally sensitive areas, are unaffected by adoption of this document and compliance is required.




N
1 inch = 0.15 miles
1 inch = 792 feet



**MAP 3a - BOROUGH OF LEBANON
HIGHLANDS LAND USE CAPABILITY ZONES**

Wastewater Management Plan
Lebanon Borough, Hunterdon County, New Jersey
August 8, 2019


Legend

 WMP Area - Lebanon Borough


 Municipal Boundaries

 Parcel Boundaries

Land Use Capability Zones

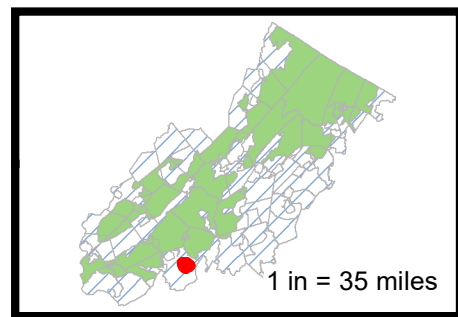
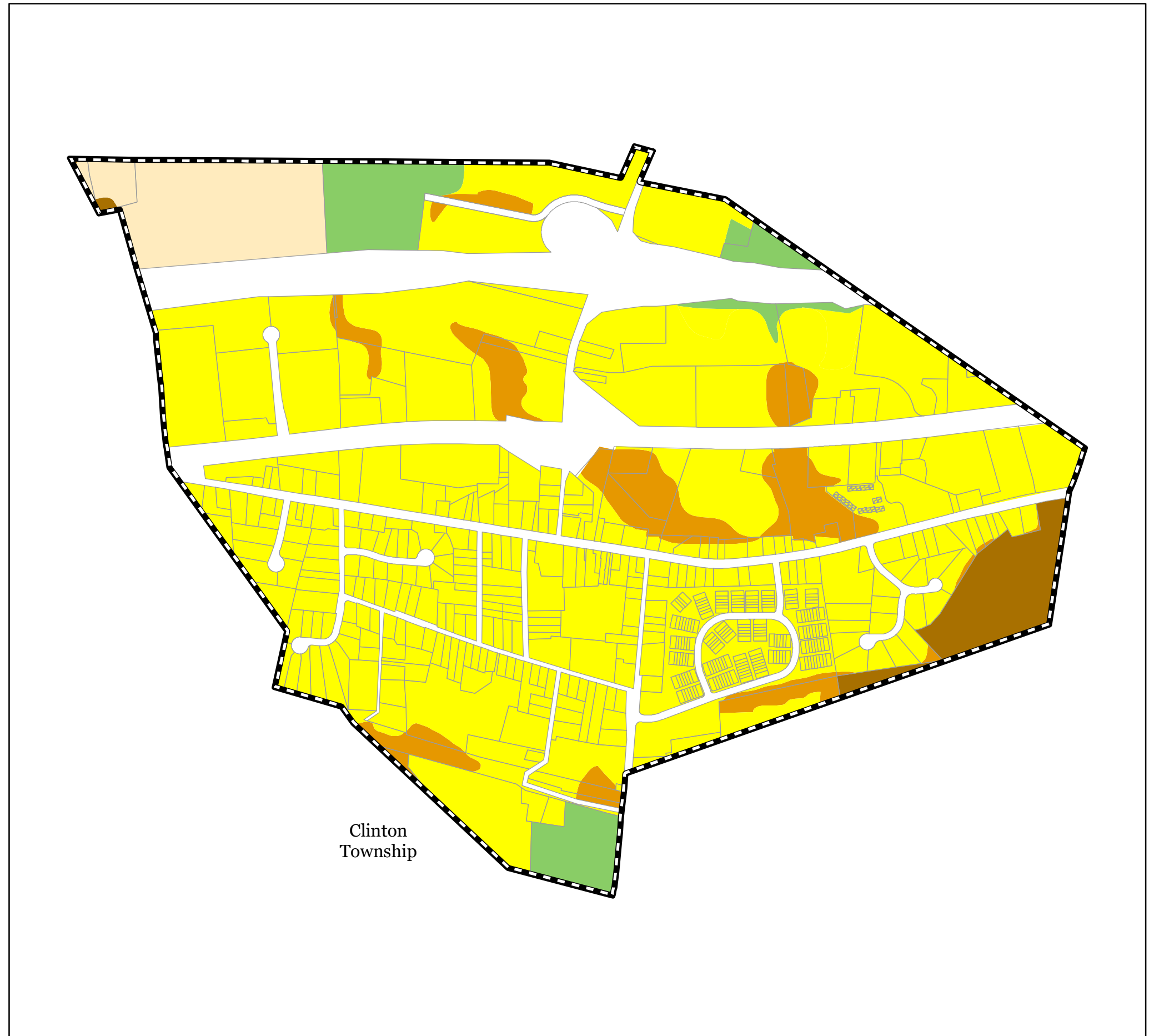
 Conservation Environmentally
Constrained Subzone


 Conservation Zone

 Existing Community Environmentally
Constrained Subzone

 Existing Community Zone

 Protection Zone





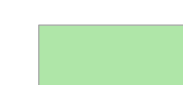


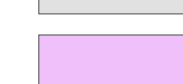

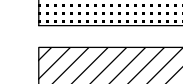


N

 1 inch = 0.15 miles
 1 inch = 792 feet

**MAP 3b - BOROUGH OF
LEBANON
WASTEWATER SERVICE AREAS**

Wastewater Management Plan
Lebanon Borough, Hunterdon County, New Jersey
July 19, 2024

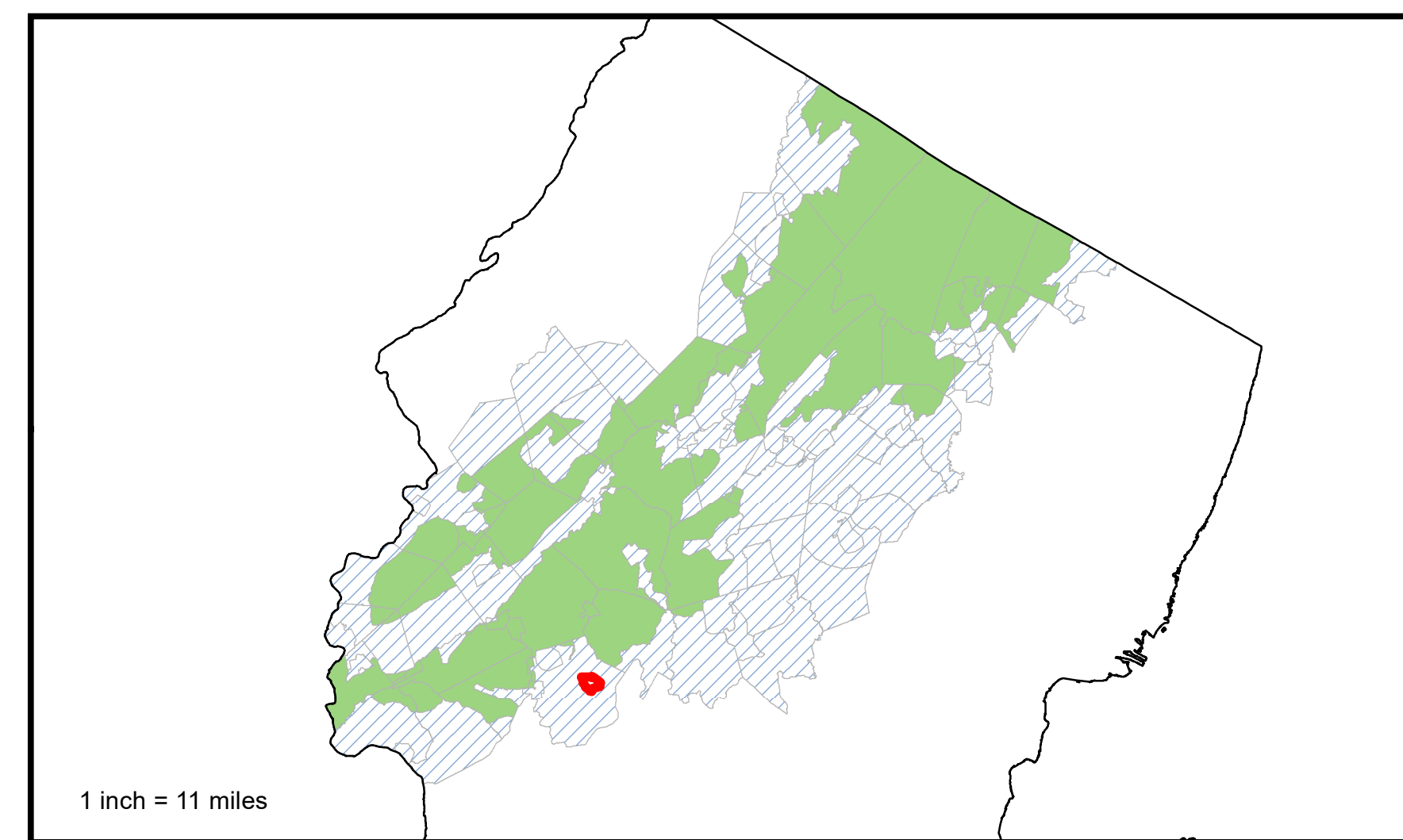
Legend

-  WMP Area - Lebanon Borough
-  Highlands Designated Center
-  Municipal Boundaries
-  Parcel Boundaries
- Sewer Service Areas**
-  Existing Area Served - NJ0098922 - Readington-Lebanon SA
-  Future Sewer Service Area - Readington-Lebanon SA
- Non-Sewer Service Area**
-  Non-Sewer Service Area
-  Planning Area Underdeveloped Lots (Non-SSA)
- Existing Septic Areas**
-  Residential
-  Non Residential



Clinton
Township


Notes:
• The entire WMP Area is within the Readington-Lebanon Sewerage Authority and Lebanon Borough Sewerage Authority districts.



**MAP 4 - BOROUGH OF LEBANON
COMPOSITE ZONING**

Wastewater Management Plan
Lebanon Borough, Hunterdon County, New Jersey
August 8, 2019


Legend


 WMP Area - Lebanon Borough

 Municipal Boundaries

 Parcel Boundaries

Composite Zoning

 High Density Residential

 Industrial

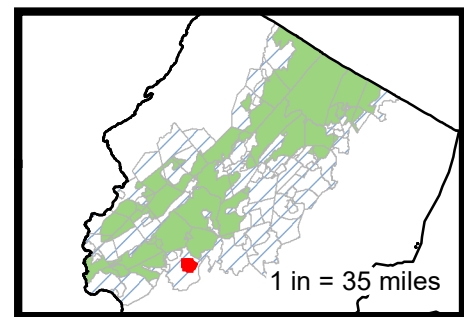
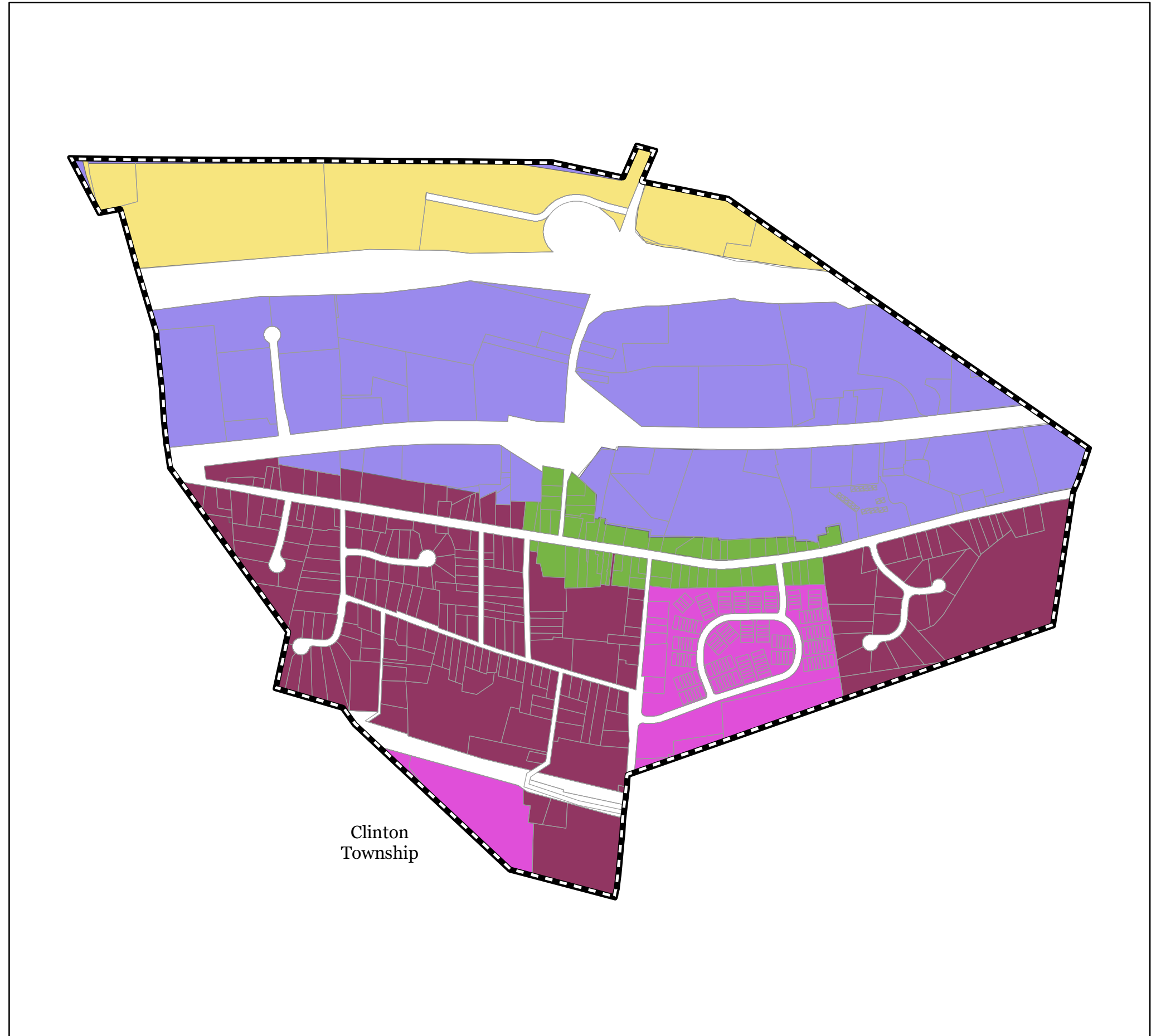
 Medium Density Residential


 Office/Commercial

 Retail

 Rural Residential

 Townhouse Attached Residential



 N
1 inch = 0.15 miles
1 inch = 792 feet

APPENDIX A

Highlands Council Resolution Approving Plan Conformance Petition

RESOLUTION 2010-10
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
THE BOROUGH OF LEBANON, HUNTERDON COUNTY

WHEREAS, the New Jersey Highlands Region (Highlands Region) is an area of over 859,358 acres that consists of 88 municipalities in parts of seven counties – Bergen, Hunterdon, Morris, Passaic, Somerset, Sussex and Warren; and

WHEREAS, the New Jersey Legislature found that the Highlands Region is an essential source of drinking water, providing clean and plentiful drinking water for one-half of the population of the State of New Jersey, and also contains other exceptional natural resources such as clean air, contiguous forest lands, agricultural lands, wetlands, pristine watersheds, and habitat for fauna and flora, as well as sites of historic significance and recreational opportunities; and

WHEREAS, the Legislature found that the Highlands Region also provides a desirable quality of life and place where people live and work, that it is important to ensure the economic viability of Highlands communities and that residential, commercial, and industrial development, redevelopment, and economic growth in certain appropriate areas of the Highlands are also in the best interests of all the citizens of the State, providing innumerable social, cultural, and economic benefits and opportunities; and

WHEREAS, the Legislature found that the Highlands Region contains agricultural lands in active production and that these lands are important resources of the State that should be preserved, that the agricultural industry in the Region is a vital component of the economy, welfare, and cultural landscape of the Garden State and that maintenance of agricultural production and a positive agricultural business climate should be encouraged to the maximum extent possible; and

WHEREAS, the Legislature found that the pace of development in the Highlands Region has dramatically increased, that the Region, because of its proximity to rapidly expanding suburban areas, is at serious risk of being fragmented and consumed by unplanned development and that the existing land use and environmental regulation system cannot protect the water and natural resources of the Highlands against the environmental impacts of sprawl development; and

WHEREAS, deeming protection of the Highlands Region an issue of State level importance, the Legislature enacted the Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et seq. (Highlands Act), to establish a regional approach to land use planning for the Highlands Region to replace the uncoordinated land use decisions of 88 municipalities, seven counties and a myriad of private landowners; and

WHEREAS, the Highlands Act delineates two areas in the Highlands Region: a Preservation Area, containing approximately 415,000 acres, and a Planning Area, containing approximately 445,000 acres; and

WHEREAS, the Legislature created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council) to advance a new regional approach to land use planning and to prepare a Regional Master Plan to protect and

RESOLUTION 2010-10
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
THE BOROUGH OF LEBANON, HUNTERDON COUNTY

enhance the significant values of the Highlands resources throughout the entire Highlands Region; and

WHEREAS, the Preservation Area is an area with exceptional natural resource value that should be subject to stringent water and natural resource protection standards, policies, planning and regulation; and

WHEREAS, the Planning Area is the area outside of the Preservation Area that should likewise be part of a comprehensive planning approach that serves to protect the water and other significant resources of the entire Highlands Region while also accommodating appropriate patterns of development, redevelopment and economic growth; and

WHEREAS, the Legislature found that such a new regional approach to land use planning shall be complemented by increased standards more protective of the environment established by the New Jersey Department of Environmental Protection (NJDEP) for development in the Preservation Area of the Highlands; and

WHEREAS, the Legislature found that this comprehensive approach should be guided, in heart, mind, and spirit, by an abiding and generously given commitment to protecting the incomparable water resources and natural beauty of the New Jersey Highlands so as to preserve them intact, in trust, forever for the pleasure, enjoyment, and use of future generations while also providing every conceivable opportunity for appropriate economic growth and development to advance the quality of life of the residents of the Highlands Region and the entire State; and

WHEREAS, Sections 8 and 10 of the Highlands Act mandate that the Highlands Council prepare and adopt the Regional Master Plan with the goal of protecting and enhancing the significant values of the resources in the Highlands Region; and

WHEREAS, Section 10 of the Highlands Act establishes goals for the Regional Master Plan for both the Preservation Area and Planning Area, including to protect, restore, and enhance the quality and quantity of the waters of the Highlands, to preserve environmentally sensitive lands, to preserve lands needed for recreation and conservation, to promote brownfield remediation and redevelopment, to preserve farmland, historic sites and other historic resources, to preserve outdoor recreation opportunities, to promote water resource conservation, and to promote compatible agricultural, horticultural, recreational, and cultural uses and opportunities; and

WHEREAS, the Highlands Act establishes development goals in the Preservation Area, to prohibit or limit, to the maximum extent possible, construction or development which is incompatible with the Preservation Area; and

WHEREAS, the Highlands Act establishes development goals in the Planning Area, to encourage, consistent with the State Development and Redevelopment Plan and smart growth strategies and principles, appropriate patterns of compatible residential, commercial, and industrial development,

RESOLUTION 2010-10
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
THE BOROUGH OF LEBANON, HUNTERDON COUNTY

redevelopment, and economic growth, in or adjacent to areas already utilized for such purposes, and to discourage piecemeal, scattered, and inappropriate development, in order to accommodate local and regional growth and economic development in an orderly way while protecting the Highlands environment from individual and cumulative adverse impacts; and

WHEREAS, Sections 11 and 12 of the Highlands Act specifically require that the Regional Master Plan be comprised of (a) a Resource Assessment that seeks to determine the amount and type of human development and activity that can be sustained by the Highlands Region's ecosystem while maintaining the Region's overall ecological values; (b) a Financial Component that details the costs of implementing the Regional Master Plan, and details the sources of revenue for covering those costs; (c) a Local Participation Component that provides for the maximum feasible local government and public input; (d) a Coordination and Consistency Component that details the ways in which local, State, and federal programs and policies may be best coordinated to promote the goals, purposes, policies, and provisions of the Regional Master Plan; (e) a Transportation Component that provides a plan for transportation system preservation; (f) a Smart Growth Component that assesses opportunities for appropriate development, redevelopment, economic growth and a transfer of development rights program, and includes a Land Use Capability Map; (g) a Land Use Capability Map for the Preservation Area and a comprehensive statement of policies for the development and use of land in the Preservation Area; and (h) a statement of policies, including a preservation zone element that identifies zones within the Preservation Area where development shall not occur in order to protect water resources and environmentally sensitive lands and which shall be permanently preserved through use of a variety of tools, including but not limited to land acquisition and the transfer of development rights and minimum standards governing municipal and county master planning and development regulations; and

WHEREAS, after a careful analysis of the best available scientific and planning data and consultation with State, federal and local agencies pursuant to the Highlands Act, the Highlands Council adopted Resolution 2008-27 approving the Regional Master Plan on July 17, 2008 and, pursuant to the Highlands Act requirement for gubernatorial review, the Regional Master Plan thereafter became effective on September 8, 2008; and

WHEREAS, the Highlands Act creates a bifurcated system for municipal conformance with the Regional Master Plan – mandatory Plan Conformance for any portion of a municipality located wholly or partially in the Preservation Area and voluntary Plan Conformance for the municipalities with lands wholly in the Planning Area or for any portion of a municipality lying within the Planning Area; and

WHEREAS, Section 14 of the Highlands Act expressly requires mandatory Plan Conformance where municipalities, located wholly or partially in the Preservation Area, must revise and conform their local master plan and development regulations, as they relate to development and use of land in the Preservation Area, with the goals, requirements and provisions of the Regional Master Plan within 15 months of adoption thereof, or December 8, 2009; and

RESOLUTION 2010-10
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
THE BOROUGH OF LEBANON, HUNTERDON COUNTY

WHEREAS, Section 15 of the Highlands Act provides for voluntary Plan Conformance where any municipality located wholly or partially in the Planning Area may voluntarily revise and conform their local master plans and development regulations, as they relate to the development and use of land in the Planning Area, with the goals, requirements and provisions of the Regional Master Plan at any time; and

WHEREAS, pursuant to Sections 14 and 15 of the Highlands Act, the Highlands Council shall approve, reject, or approve with conditions the revised plan and development regulations, as it deems appropriate, after public hearing, within 60 days after the date of submission thereof; and

WHEREAS, the Highlands Act provides that an approval of a Petition for Plan Conformance entitles the conforming municipality with specific benefits including: planning grants, technical assistance, state aid, priority for projects, tax stabilization funds, a strong presumption of validity and extraordinary deference in the event of legal challenge, and legal representation; and

WHEREAS, the Highlands Council approval of Resolution 2008-27 adopting the Regional Master Plan included the adoption of the Highlands Plan Conformance Guidelines that outlines the procedures, schedule, planning assistance, and benefits available for the submission of a Petition for Plan Conformance; and

WHEREAS, the Plan Conformance Guidelines provides a process for Basic Plan Conformance requiring the submission of plans and regulations that are immediately necessary to ensure protection of the Highlands resources and resource areas with more complex tasks to be completed in accordance with an Implementation Plan and Schedule as a condition of Plan Conformance; and

WHEREAS, Section 18 of the Highlands Act obligates the Highlands Council to establish a grant funding program to reimburse municipalities for reasonable expenses associated with Plan Conformance; and

WHEREAS, on December 18, 2008, the Highlands Council approved Resolution 2008-73 to provide grant funding for the Highlands municipalities to cover the reasonable expenses associated with revisions to master plans, development regulations or other regulations to conform them to the Regional Master Plan; and

WHEREAS, under Resolution 2008-73, the Highlands Council authorized the Executive Director to develop and implement a process for the solicitation and distribution of the Plan Conformance Grants in a total amount not to exceed \$7.5 million and up to \$100,000 allocation for each individual municipality for Basic Plan Conformance; and

WHEREAS, the Bylaws of the Highlands Council authorizes the Executive Director, as chief administrative officer, to approve contracts and issue payments up to \$25,000; and

RESOLUTION 2010-10
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
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THE BOROUGH OF LEBANON, HUNTERDON COUNTY

WHEREAS, as directed, the Executive Director developed the Plan Conformance Grant Program, a program that splits Plan Conformance into the following seven steps or modules for administering the authorized grant funding: (1) and (2) Highlands municipal build-out analysis and report; (3) housing element and fair share plan; (4) Highlands environmental resource inventory; (5) master plan Highlands element; (6) Highlands Area land use ordinance; and (7) municipal Petition for Plan Conformance; and

WHEREAS, the Borough of Lebanon is located entirely within the Highlands Region, and contains approximately 577 acres, all of which are in the Planning Area; and

WHEREAS, on December 8, 2009, Lebanon Borough submitted a Petition for Plan Conformance for all lands lying in the Planning Area; and

WHEREAS, on February 4, 2010, the Executive Director deemed the Petition for Plan Conformance administratively complete, and on February 9, 2010, posted the Petition documents on the Highlands Council website and thereafter commenced staff review of the Petition for consistency with the Regional Master Plan; and

WHEREAS, on June 23, 2010, the Executive Director provided Lebanon Borough with a Draft Consistency Review and Recommendations Report, which provides the staff's assessment of the Petition for Plan Conformance, the level of conformance with the Regional Master Plan, and recommendations for any further actions necessary for Plan Conformance; and

WHEREAS, the Executive Director provided Lebanon Borough with a deliberative municipal response period allowing Lebanon Borough to review and respond to the Draft Consistency Review and Recommendations Report; and

WHEREAS, on October 25, 2010, the Executive Director completed the Final Draft Consistency Review and Recommendations Report, and posted a Public Notice, the Final Draft Consistency Review and Recommendations Report, and the complete Petition documents on the Highlands Council website for a public review and comment period with written comments due on or before November 9, 2010; and

WHEREAS, on November 16, 2010, the Executive Director posted the Final Consistency Review and Recommendations Report and Highlands Implementation Plan and Schedule on the Highlands Council website which addressed issues raised during the public comment period; and

WHEREAS, on November 19, 2010, the Highlands Council held a public hearing on Lebanon Borough's Petition for Plan Conformance and provided an opportunity for public comment; and

WHEREAS, the Highlands Council accepts the recommendation of the Executive Director as stated in the Final Consistency Review and Recommendations Report; and

RESOLUTION 2010-10
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
THE BOROUGH OF LEBANON, HUNTERDON COUNTY

WHEREAS, according to the Highlands Act and the Plan Conformance Guidelines, Lebanon Borough's compliance with an approved Final Consistency Review and Recommendations Report, the Highlands Implementation Plan and Schedule, the Highlands Plan Conformance Guidelines and the Highlands Act shall maintain Lebanon Borough's status as conforming to the Regional Master Plan and all statutory benefits associated with Plan Conformance; and

WHEREAS, the Plan Conformance Guidelines recognizes that conformance in the Planning Area is voluntary under the Highlands Act and provides that the period of an approval of a Petition for Plan Conformance shall be for a period of no more than six (6) years, or until six (6) months after the completion of a reexamination by Lebanon Borough of its master plan and development regulations as required by the Municipal Land Use Law, or until one (1) year after the Highlands Council adopts its six-year reexamination of the Regional Master Plan, whichever time period is the shorter; the six (6) month and one (1) year periods provided herein allowing time for the submittal and processing of petitions for a re-examination of Plan Conformance before the Highlands Council; and

WHEREAS, the Plan Conformance Guidelines provides that no amendment to any master plan or development regulations applicable to the development and use of land in Lebanon Borough shall be effective until Lebanon Borough has submitted such amendment to the Highlands Council and such amendment has been found by the Council to be in conformance with the Regional Master Plan, or the Executive Director has notified Lebanon Borough that such amendment does not affect the Highlands Council's prior finding of Plan Conformance; and

WHEREAS, the Plan Conformance Guidelines provides that following the receipt of any amendment to Lebanon Borough's master plan or development regulations, the Executive Director is required to determine whether or not the amendment raises a substantive issue with respect to the conformance of the municipal master plan or development regulations with the Regional Master Plan, and

WHEREAS, the Plan Conformance Guidelines provides that if the Executive Director determines no such substantive issue is raised with respect to an amendment, the Executive Director shall certify such fact and notify the Clerk of Lebanon Borough and the Highlands Council, and shall provide notice on the Highlands Council website, and such amendment shall thereupon take effect in accordance with its terms and applicable law; and

WHEREAS, the Plan Conformance Guidelines provides that if the Executive Director determines that an amendment raises a substantive issue with respect to the conformance of the municipal master plan or development regulations to the Regional Master Plan, the amended municipal master plan or development regulations shall be reviewed in accordance with the Plan Conformance Guidelines; and

WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy

RESOLUTION 2010-10

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR THE BOROUGH OF LEBANON, HUNTERDON COUNTY

of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED that the Highlands Council hereby approves Lebanon Borough's Petition for Plan Conformance with conditions as set forth in the Final Consistency Review and Recommendations Report and the Highlands Implementation Plan and Schedule; and

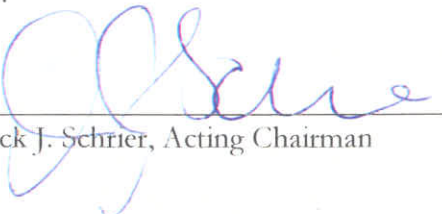
BE IT FURTHER RESOLVED that the Executive Director is authorized to make any amendments and publically release the Final Consistency Review and Recommendations Report, Highlands Implementation Plan and Schedule, and amend the Plan Conformance Grant Agreement consistent with direction from the Highlands Council, to properly effectuate the intent of the Council and thereafter execute the Report and Schedule on behalf of the Council; and

BE IT FURTHER RESOLVED, that Lebanon Borough is hereby entitled to the statutory benefits associated with Plan Conformance as detailed in the Highlands Act, the Regional Master Plan and the Plan Conformance Guidelines, so long as Lebanon Borough remains in conformance with the Regional Master Plan and to the extent such funds are made available by the State; and

BE IT FURTHER RESOLVED, the Executive Director is authorized, consistent with direction from the Council, to oversee and monitor Lebanon Borough's compliance with this Resolution and to take any and all action necessary in coordination with the Highlands Council.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 19th day of November, 2010.



Jack J. Schrier, Acting Chairman

RESOLUTION 2010-10
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
APPROVAL OF THE PETITION FOR PLAN CONFORMANCE FOR
THE BOROUGH OF LEBANON, HUNTERDON COUNTY

<u>Vote on the Approval of this Resolution</u>	<u>Motion</u>	<u>Second</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Councilmember Alstede			✓			
Councilmember Carluccio			✓			
Councilmember Cogger			✓			
Councilmember Francis			✓			
Councilmember Holtaway	✓		✓			
Councilmember Kovach		✓	✓			
Councilmember Letts			✓			
Councilmember Richko			✓			
Councilmember Vetrano						✓
Councilmember Visioli			✓			
Councilmember Schrier			✓			

RESOLUTION 2018-1

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL AMENDED PETITION FOR PLAN CONFORMANCE LEBANON BOROUGH, HUNTERDON COUNTY

WHEREAS, the Highlands Water Protection and Planning Act (Highlands Act) has created a public body corporate and politic with corporate succession known as the Highlands Water Protection and Planning Council (Highlands Council); and

WHEREAS, the Highlands Act authorizes the Highlands Council to enter into any and all agreements or contracts, execute any and all instruments to carry out any power, duty or responsibility under the Highlands Act; and

WHEREAS, Section 14 of the Highlands Act expressly requires mandatory Plan Conformance where municipalities, located wholly or partially in the Preservation Area, must revise and conform their local master plan and development regulations, as they relate to development and use of land in the Preservation Area, with the goals, requirements and provisions of the Regional Master Plan within 15 months of adoption thereof, or December 8, 2009; and

WHEREAS, Section 15 of the Highlands Act provides for voluntary Plan Conformance where any municipality located wholly or partially in the Planning Area may voluntarily revise and conform their local master plans and development regulations, as they relate to the development and use of land in the Planning Area, with the goals, requirements and provisions of the Regional Master Plan at any time; and

WHEREAS, the Highlands Act provides that an approval of a Petition for Plan Conformance entitles the conforming municipality with specific benefits including: planning grants, technical assistance, state aid, priority for projects, tax stabilization funds, a strong presumption of validity and extraordinary deference in the event of legal challenge, and legal representation; and

WHEREAS, Section 18 of the Highlands Act obligates the Highlands Council to establish a grant funding program to reimburse municipalities for reasonable expenses associated with Plan Conformance; and

WHEREAS, on December 18, 2008, the Highlands Council approved Resolution 2008-73 to provide grant funding for the Highlands municipalities to cover the reasonable expenses associated with revisions to master plans, development regulations or other regulations to conform them to the Regional Master Plan; and

WHEREAS, under Resolution 2008-73, the Highlands Council authorized the Executive Director to develop and implement a process for the solicitation and distribution of the Plan Conformance Grants in a total amount not to exceed \$7.5 million and up to a \$100,000 allocation for each individual municipality to address the immediate mandatory components of Plan Conformance; and

WHEREAS, in Lebanon Borough, 577 acres are in the Planning Area; and

WHEREAS, on December 8, 2009, Lebanon Borough submitted a Petition for Plan Conformance for all lands lying in the Planning Area; and

WHEREAS, on December 16, 2010, the Highlands Council held a public hearing on Lebanon Borough's Petition for Plan Conformance and provided an opportunity for public comment; and

RESOLUTION 2018-1

NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL AMENDED PETITION FOR PLAN CONFORMANCE LEBANON BOROUGH, HUNTERDON COUNTY

WHEREAS, on December 16, 2010, after due consideration the Highlands Council approved Lebanon Borough's Petition for Plan Conformance with conditions as set forth in Resolution 2010-14, the Final Consistency Review and Recommendations Report and the Highlands Implementation Plan and Schedule; and

WHEREAS, the Highlands Council approval of Resolution 2010-14 authorized the Executive Director to amend the Lebanon Borough's Plan Conformance Grant Agreement consistent with direction from the Highlands Council; and

WHEREAS, on February 24, 2017, the Highlands Council, through the Executive Director's authority, approved a scope of work and funding for the Highland Center Designation Feasibility Planning; and

WHEREAS, on August 24, 2017, the Lebanon Borough Council approved the Highlands Center Designation Feasibility Study, which establishes the goals and benefits of Highlands Center Designation, along with the relationship to the Highlands Regional Master Plan; and

WHEREAS, by Resolution 123-17, dated August 24, 2017, the Lebanon Borough petitioned the Highlands Council for consideration of an amendment to the approved Petition for Plan Conformance, to designate two Highlands Centers within the Township; and

WHEREAS, Highlands Council staff have reviewed the Highlands Center Designation Feasibility Study and found it to be consistent with the Highlands Regional Master Plan; and

WHEREAS, in consideration of the proposed Amended Petition, and a revised Final Consistency Review and Recommendations Report and Highlands Implementation Plan & Schedule which addresses funding needs relating to the Amended Petition, a Public Notice was posted, with the revised Petition materials, on the Highlands Council website for public review and comment; and

WHEREAS, pursuant to N.J.S.A. 13:20-5.j, no action authorized by the Highlands Council shall have force or effect until ten (10) days, Saturdays, Sundays and public holidays excepted, after a copy of the minutes of the meeting of the Council has been delivered to the Governor for review, unless prior to expiration of the review period the Governor shall approve same, in which case the action shall become effective upon such approval.

NOW, THEREFORE, BE IT RESOLVED that the Highlands Council hereby grants Lebanon Borough's Amended Petition for Plan Conformance, and adopts the Revised Final Consistency Review and Recommendations Report and Revised Highlands Implementation Plan and Schedule for Fiscal Years 2018 and 2019 (subject to funding availability) set forth in the Amended Petition; and

BE IT FURTHER RESOLVED that the Executive Director is authorized to make any amendments and publicly release the Revised Final Consistency Review and Recommendations Report, Revised Highlands Implementation Plan and Schedule, and amend the Plan Conformance Grant Agreement consistent with direction from the Highlands Council, to properly effectuate the intent of the Council and thereafter execute the Report and Schedule on behalf of the Council; and

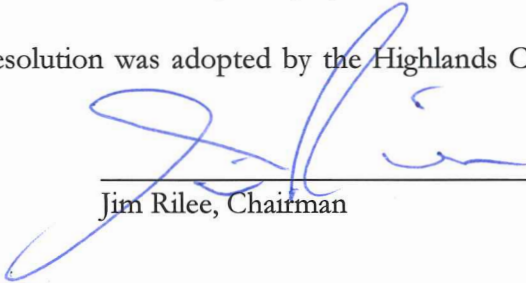
RESOLUTION 2018-1
NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
AMENDED PETITION FOR PLAN CONFORMANCE
LEBANON BOROUGH, HUNTERDON COUNTY

BE IT FURTHER RESOLVED, that the Lebanon Borough is hereby entitled to the statutory benefits associated with Plan Conformance as detailed in the Highlands Act, the Regional Master Plan and the Plan Conformance Guidelines, so long as the Lebanon Borough remains in conformance with the Regional Master Plan and to the extent such funds are made available by the State; and

BE IT FURTHER RESOLVED, the Executive Director is authorized, consistent with direction from the Council, to oversee and monitor the Lebanon Borough's compliance with this Resolution and to take any and all action necessary in coordination with the Highlands Council.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted by the Highlands Council at its regular meeting held on the 15th day of March 2018.



 Jim Rilee, Chairman



Vote on the Approval of This Resolution

	Motion	Second	Yes	No	Abstain	Absent
Councilmember Alstede	_____	_____	✓	_____	_____	_____
Councilmember Carluccio	_____	_____	_____	✓	_____	_____
Councilmember Dougherty	_____	_____	✓	_____	_____	_____
Councilmember Dressler	_____	_____	✓	_____	_____	_____
Councilmember Francis	_____	_____	✓	_____	_____	_____
Councilmember Holtaway	_____	✓	✓	_____	_____	_____
Councilmember James	✓	_____	✓	_____	_____	_____
Councilmember Richko	_____	_____	✓	_____	_____	_____
Councilmember Sebetich	_____	_____	✓	_____	_____	_____
Councilmember T'fank	_____	_____	_____	_____	_____	✓
Councilmember Visioli	_____	_____	✓	_____	_____	_____
Councilmember Vohden	_____	_____	✓	_____	_____	_____
Councilmember Walton	_____	_____	_____	_____	_____	✓
Chairman Rilee	_____	_____	✓	_____	_____	_____

APPENDIX B

Highlands Council Final Consistency Review and Recommendations Report



PHILIP K. MURPHY
Governor

SHELIA Y. OLIVER
Lt. Governor

State of New Jersey
Highlands Water Protection and Planning Council
100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.nj.gov/njhighlands



KURT W. ALSTEDE
Chairman

MARGARET NORDSTROM
Executive Director

**FINAL REVISED
CONSISTENCY REVIEW
AND RECOMMENDATIONS REPORT**

**PETITION FOR HIGHLANDS CENTER DESIGNATION
BOROUGH OF LEBANON, HUNTERDON COUNTY**

Prepared by the State of New Jersey Highlands Water Protection and
Planning Council in Support of the Highlands Regional Master Plan

APRIL 2018

INTRODUCTION

The New Jersey Highlands Water Protection and Planning Council (“Highlands Council”) approved the Borough of Lebanon’s Petition for Plan Conformance on November 19, 2010, by adoption of Resolution #2010-10. The Borough conformance area is municipal-wide and is entirely within the Planning Area. Since the time of Highlands Council approval, the Borough has made steady progress toward completion of all required Plan Conformance implementation tasks, as set forth in the Highlands Implementation Plan and Schedule.

In the process of completing its Petition for Plan Conformance, the Borough determined, and the Highlands Council concurred, that Highlands Center designation feasibility should be studied for the municipality. This initiative was completed with assistance of Highlands Council funding, as an eligible component of the Highlands Council Plan Conformance program. The resultant analyses propose designation of a Highlands Center within the Borough, which is intended to advance the goals and intents of both the Borough Master Plan and the Highlands Regional Master Plan (RMP). The Borough petitioned the Highlands Council for designation of a Highlands Center on August 24, 2017.

This Consistency Review and Recommendations Report (“Report”) has been prepared by Highlands Council Staff for consideration by the Highlands Council as to the consistency of the Center Designation with the RMP. The Report begins with a brief summary of Plan Conformance activities, including a Plan Conformance status update indicating date of completion of required implementation tasks. Lebanon Borough has submitted a Highlands Center Designation Feasibility Study in support of the amended petition request. The Staff recommendation is for approval with conditions of the Borough’s Petition for Highlands Center Designation.

REPORT SUMMARY

Municipality: Borough of Lebanon

Date of Amended Petition Submission: August 24, 2017

Date Deemed Complete: August 30, 2017

Highlands Center Proposal: Lebanon Center (0.753 square mile, 83.6% of the entire Borough)

Staff Recommendation: Approve Amended Petition with Conditions

PLAN CONFORMANCE STATUS UPDATE

Implementation Task	Completion
1. Petition for Plan Conformance	Approved by Highlands Council 11/19/10
2. Planning Area Petition Ordinance	Adopted 8/17/11
3. Master Plan Reexamination Report	Adopted 7/12/16
4. Highlands Municipal Referral Ordinance	Adopted 11/22/16
5. Highlands Environmental Resource Inventory	Adopted 12/13/16
6. Highlands Exemption Ordinance	Not considered
7. Land Use Inventory	April 2017
8. Highlands Center Designation Feasibility Study	Completed 8/9/17
9. Wastewater Management Plan (WMP)	In Progress

A. REVIEW OF ADMINISTRATIVE SUBMITTALS

1. **Resolution or Ordinance.** Consistent. Lebanon Borough Resolution # 123-17 was adopted on August 24, 2017, requesting that the Highlands Council amend the Borough's Petition for Plan Conformance to include a designated Highlands Center.
2. **Current Planning Documents.** Consistent.

B. SUBSTANTIVE REVIEW

The Borough of Lebanon established a sub-committee comprised of Planning Board and governing body members to investigate the feasibility of designation of a Highland Center within the municipality. With the assistance of its Planning Consultant, this effort culminated in production of a "Highlands Center Designation Feasibility Study," dated August 9, 2017. The Borough submitted the study to the Highlands Council on August 24, 2017 with a request that the Highlands Council amend the previously approved Petition for Plan Conformance to include the Highlands Center. The "Highlands Center Designation Feasibility Study" is reproduced in its entirety in Appendix A of this Report.

1. **Proposed Boundaries.** Consistent. The Borough seeks to enhance and focus economic development within appropriate areas of the municipality, containing the highest concentrations of development and supporting infrastructure. The majority of the Borough will be contained within the center boundaries (0.753 square miles or 83.6% of the Borough) excepting already preserved farmland, and a small portion of preserved state parkland (Figure 1).
2. **RMP Goals, Purposes, Intentions.** Consistent. The proposal would advance the goals, policies and objectives of the RMP. Detailed planning for the Lebanon Highlands Center would enhance areas of the Borough that are appropriate for development, redevelopment and infill development with needed supporting infrastructure and services. Center plans would be devised to enhance economic development within the Borough and the surrounding areas of the Highlands Region. The Borough has and continues to protect important Highlands Resources and Resource Areas (Figures 2-5) in the municipality and will adopt all required regulatory protections and other items as required under the previously approved Petition for Plan Conformance.

C. STAFF RECOMMENDATIONS

The Highlands Council Staff recommends that the Borough of Lebanon request for Designation of the Highlands Center, as discussed and illustrated in detail in Appendix A of this Report (Lebanon Borough "Highlands Center Designation Feasibility Study") be approved. The approval should be conditioned on continued progress toward completion of all remaining Plan Conformance Implementation Tasks, as previously set forth by the Highlands Council in its approval of Lebanon's Petition for Plan Conformance, via Resolution #2010-10.

D. PUBLIC COMMENT AND RESPONSE

The materials submitted by Lebanon Borough for consideration of the amended petition to designate a Center, along with this Revised Consistency Review and Recommendations Report and an amended Implementation Plan and Schedule, were all posted on the Highlands Council website for public comment for 10 business days. Written comments regarding Lebanon Borough's Amended Petition for Plan Conformance were accepted by the Highlands Council through the close of the public comment period on September 29, 2017. Comments were provided by the following individuals/entities:

- 1) New Jersey Conservation Foundation – Wilma Frey
- 2) New Jersey Highlands Coalition – Julia Somers

Public Comment/Response Summary

Both Commenters provided essentially identical comments on the petition materials posted. Their concerns regarding the boundary of the proposed center, as well as resource protection measures and utility capacity, were noted. Additionally, the Lebanon Historic Districts were referenced. Highlands Council staff has considered the comments and questions and have provided the following responses.

Center Boundary:

The RMP encourages designation of Highlands Centers in alignment with the State Development and Redevelopment Plan's (State Plan) criteria for center, core and node designation. Lebanon Borough is part of a larger proposed center identified in the State Plan as the Clinton Area (State Plan, 2001). Lebanon Borough, as a part of Planning Area 2 or the Suburban Planning Area, has been long considered appropriate for advanced regional planning to encourage connections to transit, reduced automobile usage, and prevent the tendency toward sprawl development. Designation of Lebanon Borough as a Highlands Center is consistent with RMP Goal 6K: "Concentrate residential, commercial and industrial development, redevelopment, and economic growth in existing developed areas in locations with limited environmental constraints, access to existing utility, and transportation infrastructure" and RMP Policy 6O2: "To promote, where appropriate and permitted by the Land Use Capability Zone, center-based development approaches that address a mix of housing types, support mixed uses, and implement compact development approaches."

The Borough proposed the Lebanon Borough Highlands Center boundaries in accordance with the goals of the State Plan, but in addition recognized that the Highlands RMP enables proactive protection of the more sensitive resources within the municipality. The proposed Lebanon Borough Highlands Center has been reduced from what the State Plan advocated, in order to reinforce resource protection measures of the RMP.

During the Center Planning work to be conducted once the Highlands Council approves the amended petition, the Borough will undertake a detailed analysis of areas in need of redevelopment, areas appropriate for increased development, and areas in need of further protection. This analysis was not conducted as a part of the Feasibility Study, but rather will be fully assessed during the Center planning phase. A full scope

of work for the Center Plan will be reviewed and approved by the Highlands Council in coordination with the Borough representatives. The figures provided in this Report and the Center Feasibility Study do not include identification of areas appropriate for redevelopment and the proposed boundary does not indicate these areas.

Although the boundary of the proposed Center is in keeping with the goals, policies and objectives of the RMP and the State Plan, Highlands Council staff recommended to the Borough that the boundary be further amended to exclude more areas of sensitive resources. See Figure 2 for the depiction of the Land Use Capability Zones and the amended center boundary. In addition, areas of concentrated Highlands Resources are more clearly depicted on Figure 3.

Highlands Resource Areas

Much of the proposed Lebanon Borough Highlands Center is currently developed. Highlands resources within the developed areas are very limited. In some cases, Highlands resources do exist within the proposed Center, but will be protected in the same manner as equivalent resources outside of the Center. With respect to other protections, such as freshwater wetlands, flood hazard area and other regulations, any resource regulated by local, state or federal standards retains all of those protections. The Borough of Lebanon has designated these areas within the Center as Highlands Resource Areas (HRAs) for purposes of the Center planning efforts and for future consideration of enhanced planning for the conservation of these resources.

The resources of note within the areas depicted on Figure 3 include freshwater wetlands, streams, forested areas and critical wildlife habitat. All of these sensitive resources are already afforded protection of the Highlands RMP and state regulations. No development is proposed in the proposed Center at this time, but in the event that development is proposed, all applicable standards would be in effect to protect these resources. Highlands Center development provides for flexibility within its borders to protect resources while allowing for a reasonable level of development.

Not all areas of constraint, such as wetlands, are mapped as HRAs. This is primarily due to the exempt or excluded nature of the parcels in question, such that these areas would not be subject to development applications as they represent single-family residential or other such uses. These resources are always under the jurisdiction of all applicable NJDEP land use regulation, as would be the case without center designation or Plan Conformance participation.

Historic Districts

The Lebanon Historic District is listed not only by the State Historic Preservation Office (SHPO) but also on the National Register of Historic Places (2009). The district possesses the architectural significance and integrity necessary for listing. The other historic district within the Borough is the Central Railroad of New Jersey Main Line Corridor (Figure 4). Both districts and the historic properties contained within are protected not only by the State Historic Preservation Office but also by local regulations and goals, policies and objectives of the RMP (Policy 4A4: To require that the impact of proposed human development on the historic and cultural resources of the Highlands Region be addressed during local development review

and Highlands Project Review and approval.) Commenters expressed concern that Center Designation would affect the protections in place for the districts; however, Center Designation would in fact allow for enhanced planning toward the protection of the districts within the center, as well as allow for a sustainable economic development planning effort to focus on the value of the historic districts as a destination for visitors. These districts remain within the Center boundary.

Infrastructure Capacity

The Center Feasibility Designation Study provided data from local utilities regarding water and wastewater capacity available for future development within the Borough. The draft Wastewater Management Plan is under review by NJDEP. In addition, Lebanon Borough is included in the net water availability calculations for Clinton Town's Water Use and Conservation Management Plan. Once the revised net water availability calculations are finalized, they will be followed by the Borough's development of a Water Use and Conservation Management Plan. The Center Planning that will occur following approval of the amended petition will further analyze capacity and any plans developed shall be consistent with RMP Goal 2K which states that "All existing and future development in the Highlands Region that use public wastewater treatment systems are served by adequate and appropriate infrastructure". In addition, RMP Objectives 2J4c and 2K3e allow for the expansion and creation of public water and wastewater systems in the ECZ of the Planning Area to serve infill, redevelopment and new development.

LIST OF FIGURES

Figure 1 – Lebanon Borough Proposed Center Boundaries

Figure 2 – Lebanon Borough Land Use Capability Zones

Figure 3 – Lebanon Borough Highlands Resource Areas





Figure 4 – Lebanon Borough Historic Districts

Figure 5 – Lebanon Borough Streams

Borough of Lebanon Highlands Center

Figure 1 - Center Boundary



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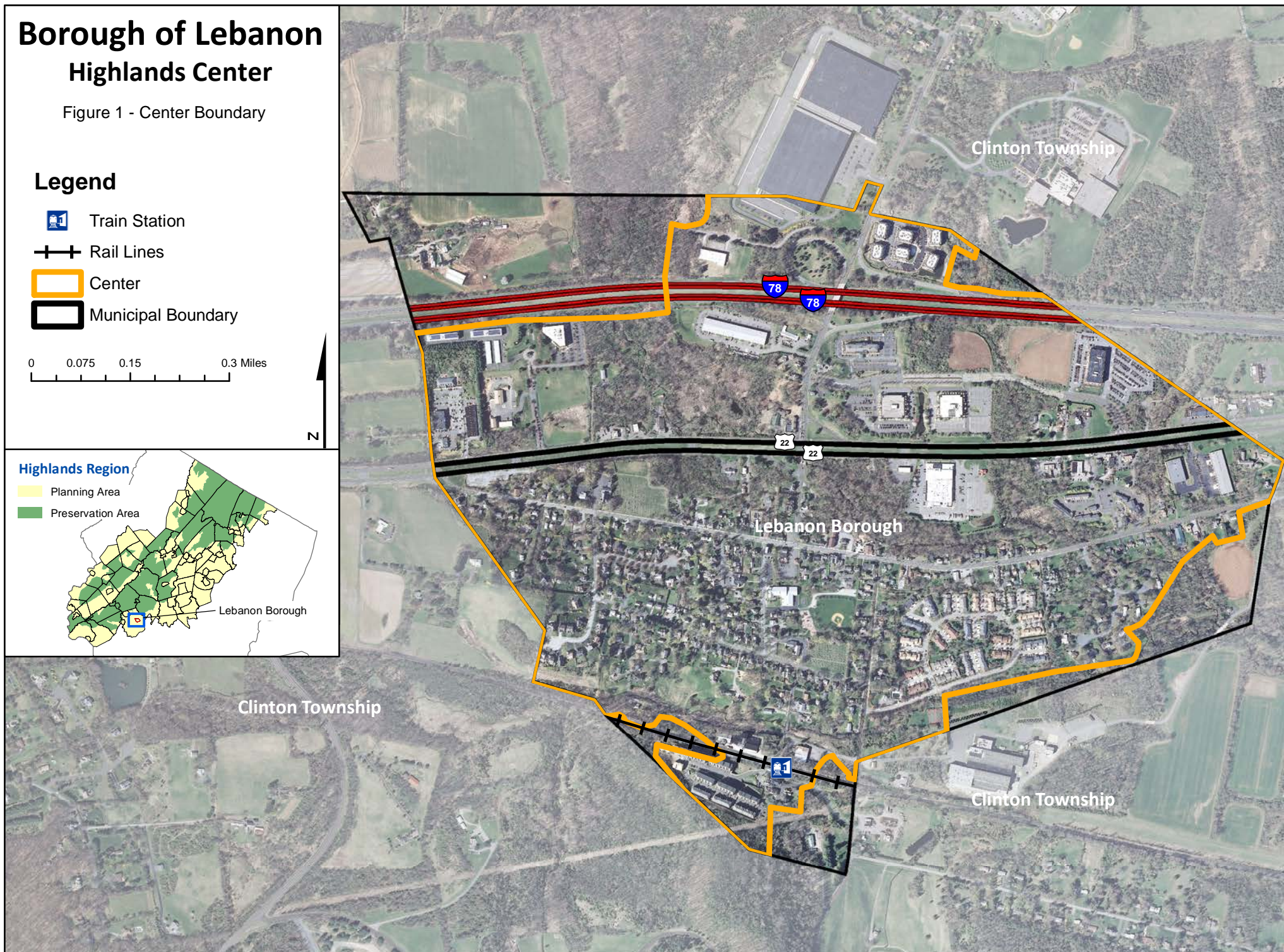
-  Train Station
-  Rail Lines
-  Center
-  Municipal Boundary

0 0.075 0.15 0.3 Miles

N

Highlands Region



-  Planning Area
 -  Preservation Area
- Lebanon Borough



Borough of Lebanon Highlands Center

Figure 2 - Land Use Capability Zones

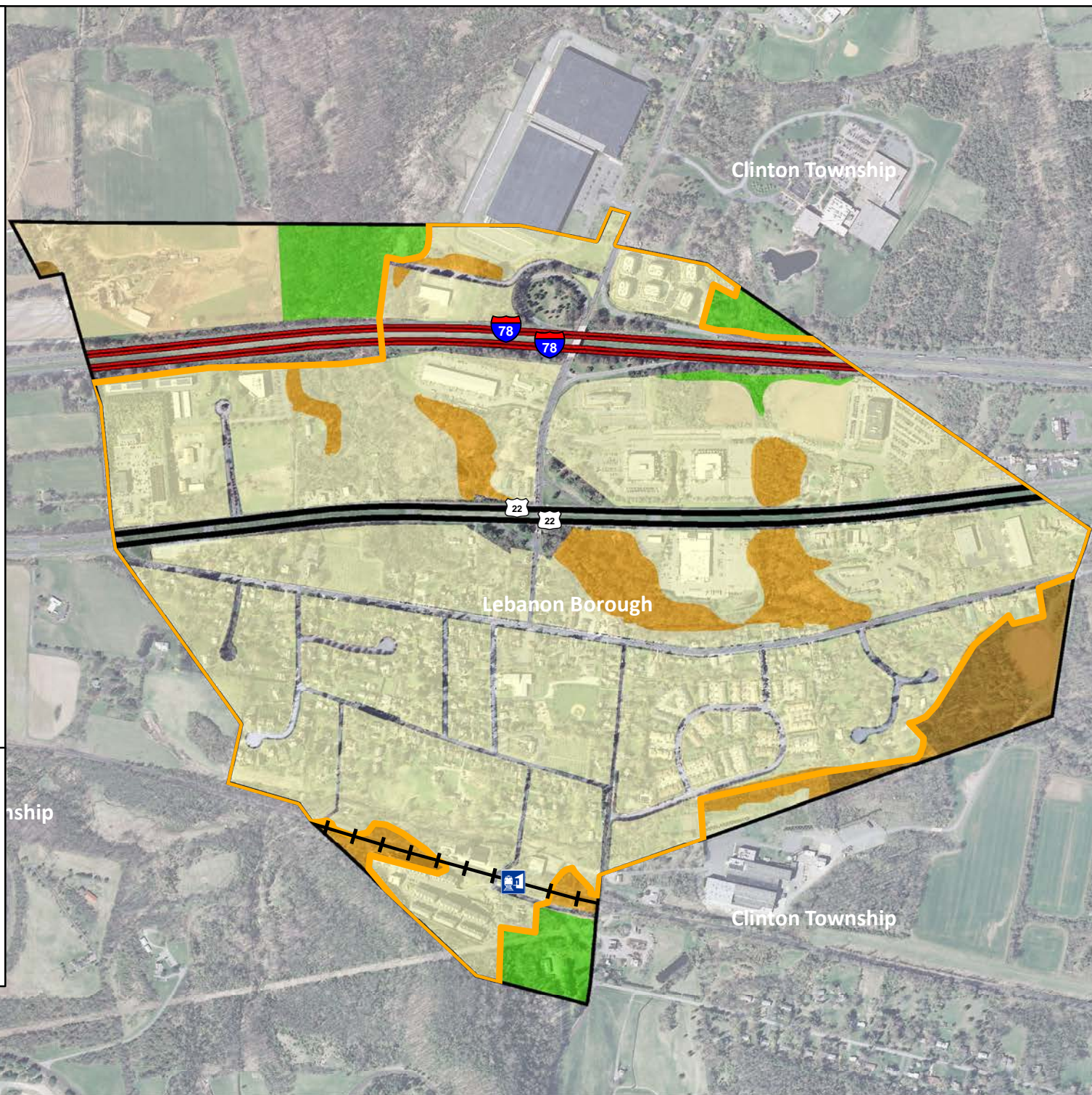
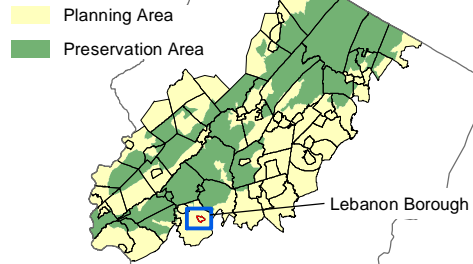
Legend

-  Train Station
-  Rail Lines
-  Center
-  Municipal Boundary
- Land Use Capability Zone**
-  Existing Community Zone
-  Existing Community Environmentally Constrained Subzone
-  Conservation Zone
-  Protection Zone
-  Conservation Environmentally Constrained Subzone

0 0.075 0.15 0.3 Miles



Highlands Region



Borough of Lebanon Highlands Center

Figure 3 - Highlands Resource Areas



Legend

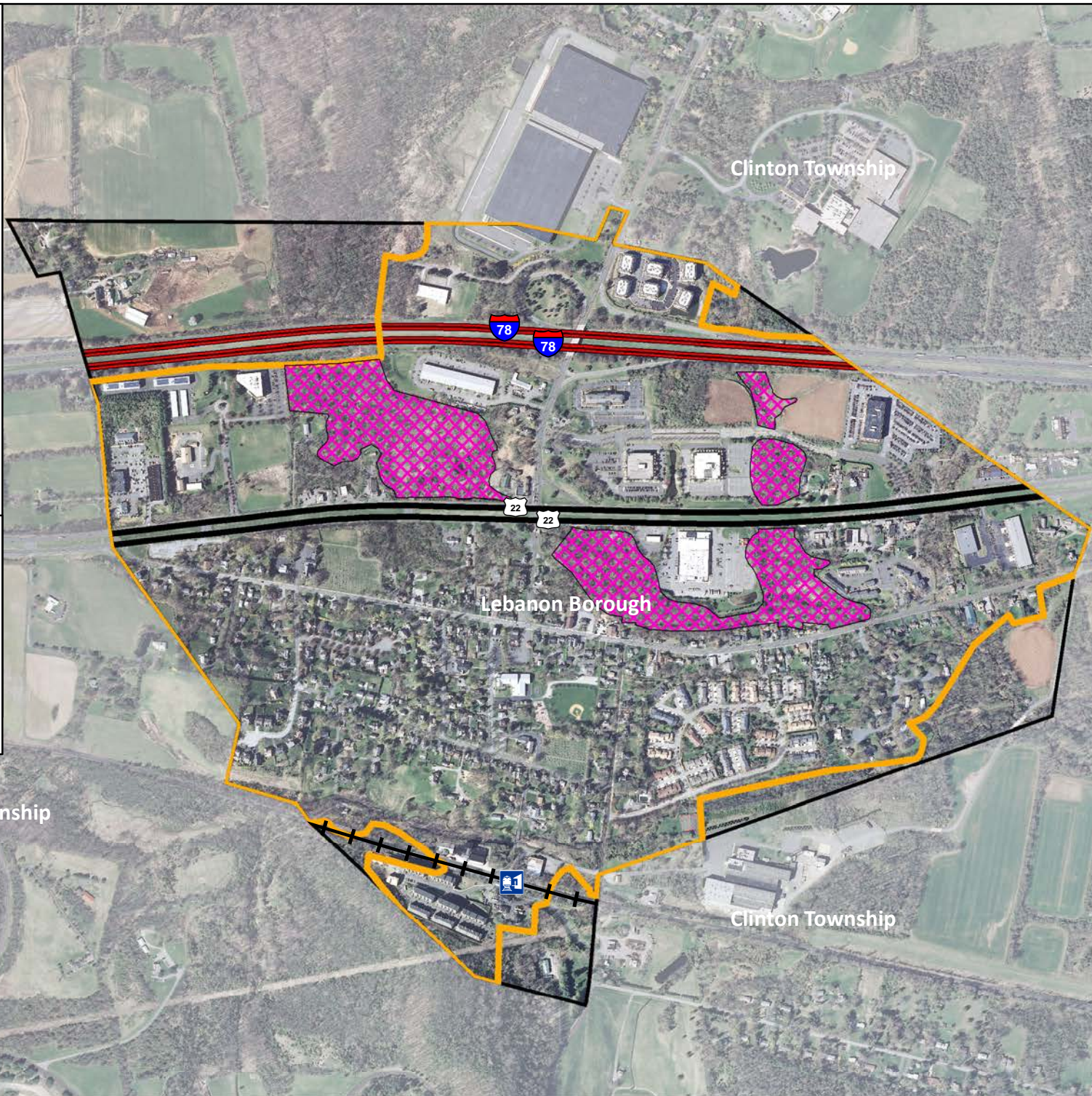
-  Train Station
-  Rail Lines
-  Highlands Resource
-  Center
-  Municipal Boundary

0 0.075 0.15 0.3 Miles

N

Highlands Region


-  Planning Area
 -  Preservation Area
- Lebanon Borough



Borough of Lebanon Highlands Center

Figure 4 - Historic Districts

Legend

 Train Station

 Rail Lines

 Center


 Municipal Boundary


 Historic Districts

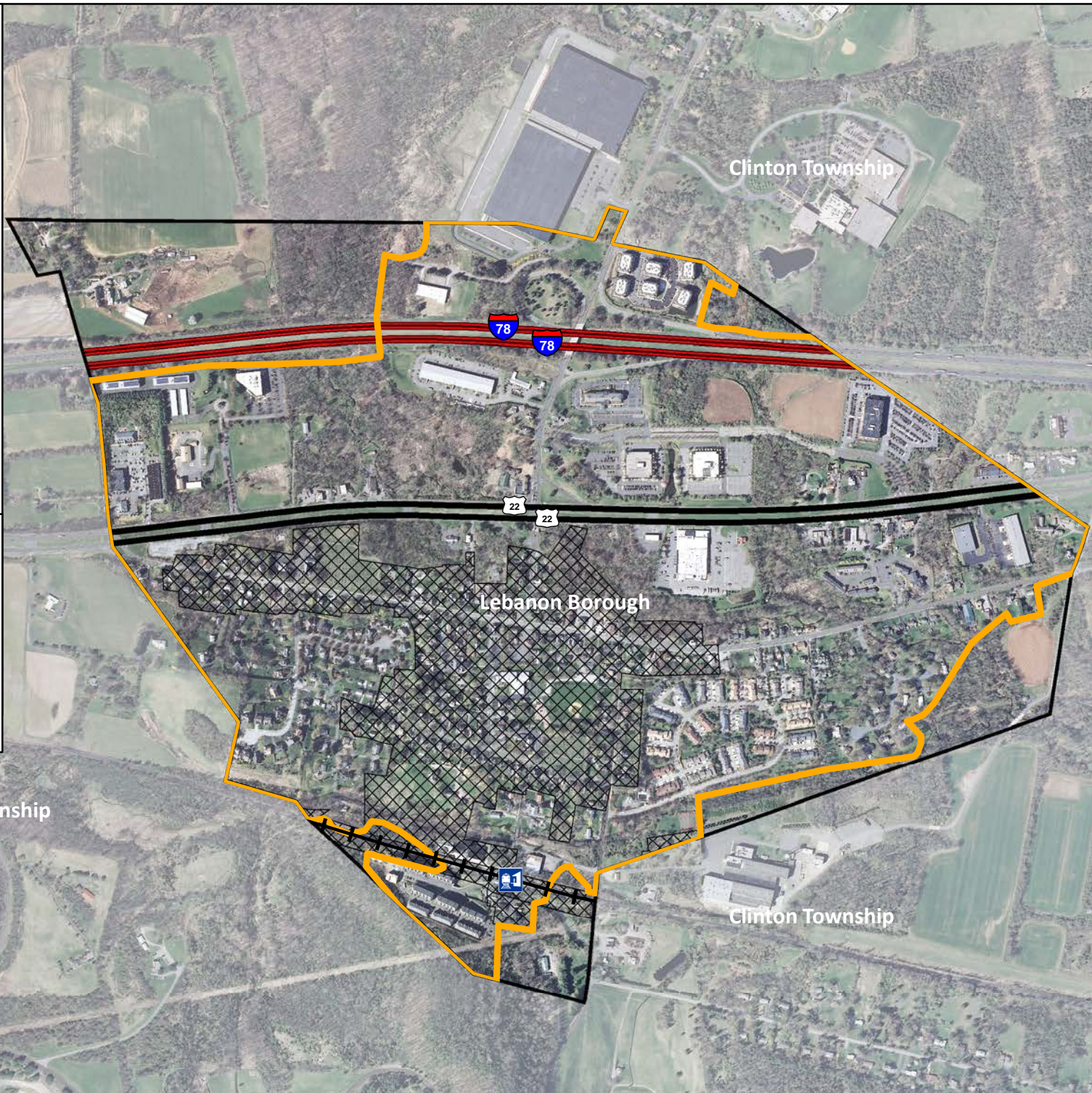
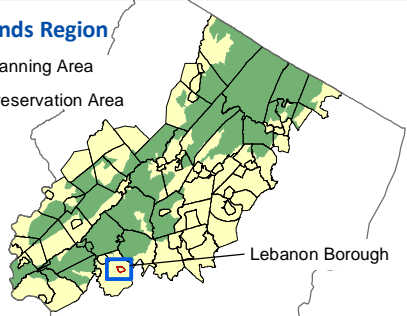
0 0.075 0.15 0.3 Miles

N

Highlands Region

 Planning Area






 Preservation Area



Borough of Lebanon Highlands Center

Figure 5 - Streams

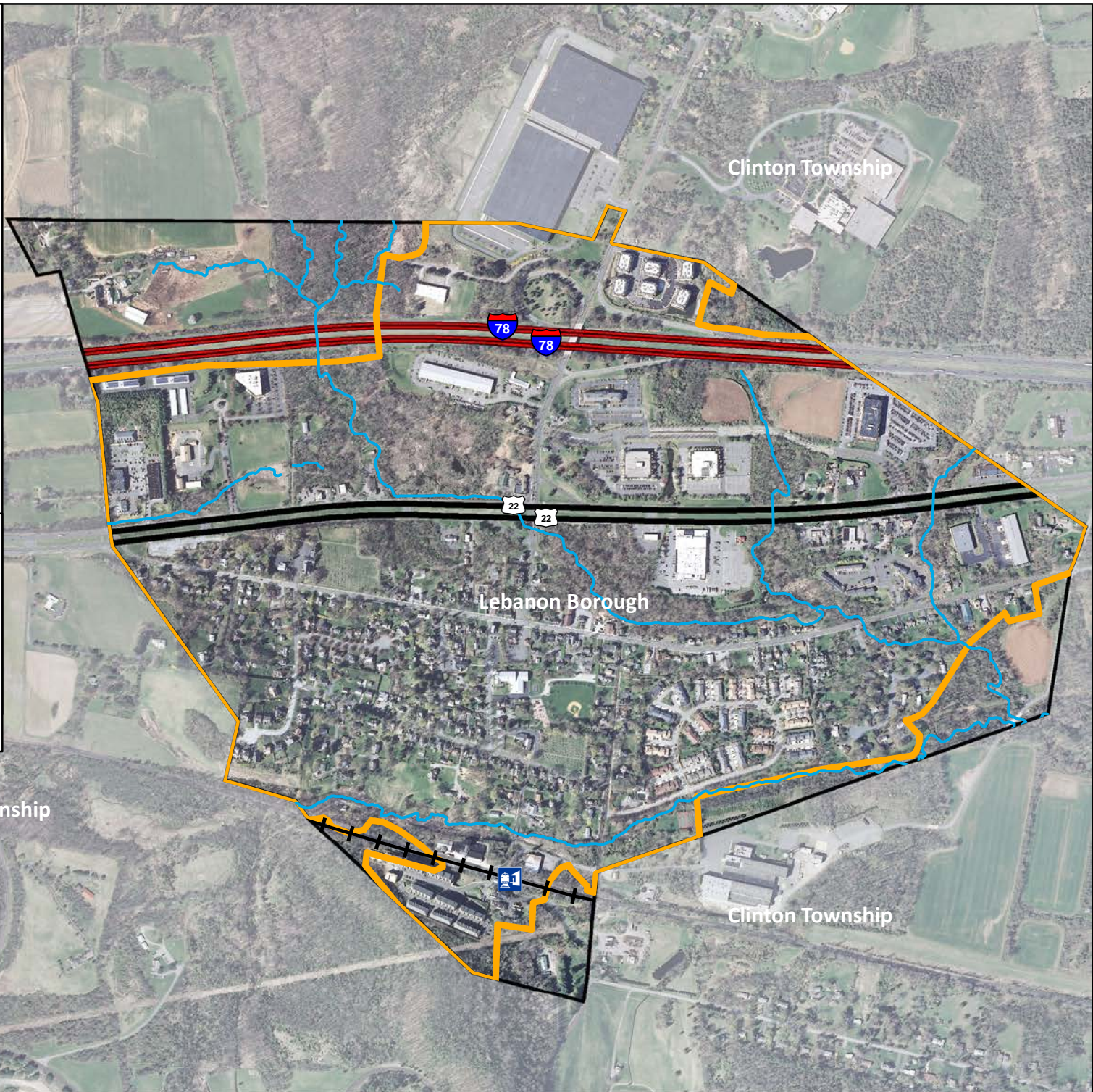
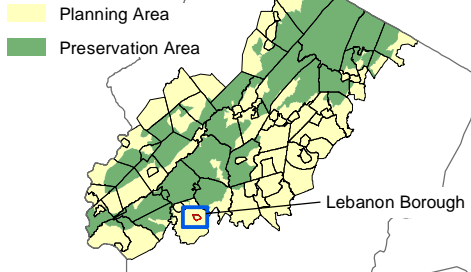
Legend

-  Train Station
-  Rail Lines
-  Streams
-  Center
-  Municipal Boundary

0 0.075 0.15 0.3 Miles

N

Highlands Region



APPENDIX A

HIGHLANDS CENTER DESIGNATION FEASIBILITY STUDY

Borough of Lebanon, Bergen County

The Borough of Lebanon established a sub-committee comprised of Planning Board and governing body members to investigate the potential for designation of Highlands Centers within the municipality. With the assistance of its Planning Consultant, this effort culminated in production of a “Highlands Center Designation Feasibility Study,” dated August 9, 2017. The Borough submitted the study to the Highlands Council on August 24, 2017 with a request that the Highlands Council amend the previously approved Petition for Plan Conformance to include the Highlands Center. The “Highlands Center Feasibility Designation Study” is reproduced here in its entirety.

Please Note: The figures included in the following study depict the original boundary of the proposed Center prior to Public Comment and further discussions with Lebanon Borough. The text and content of the Study are unchanged from the initial public posting.

HIGHLANDS CENTER DESIGNATION FEASIBILITY STUDY



BOROUGH OF LEBANON HUNTERDON COUNTY, NEW JERSEY

AUGUST 9, 2017

APPROVED AUGUST 24, 2017 VIA RESOLUTION 123-2017

Prepared By:
Darlene A. Green, P.P., AICP



I. INTRODUCTION

The Highlands Water Protection and Planning Act of 2004 established the Highlands Region and the boundaries of the Preservation Area and Planning Area. The Highlands Region includes 88 municipalities in portions of seven counties in northwest New Jersey. Within Hunterdon County there are 14 municipalities within the Highlands Region, the Townships of Alexandria, Bethlehem, Clinton, Holland, Lebanon, Tewksbury and Union; the Boroughs of Bloomsbury, Califon, Glen Gardner, Hampton, High Bridge and Milford; and the Town of Clinton.

The Borough of Lebanon is located in the northeast corner of Hunterdon County. The Borough contains 0.886 square miles, all of which are within the Highlands Planning Area. Lebanon has good access to major roadways and public transportation. Interstate 78 (“I-78”) traverses through the Borough. In fact, there is a partial interchange within Lebanon, Exit 20, which connects to Cokesbury Road. Additionally, U.S. Route 22 (“Route 22”) travels through the middle of the Borough just south of I-78. The Lebanon train station is located in the southern part of the Borough and is situated on New Jersey Transit’s Raritan Valley Line. There is limited weekday service and no weekend service at this station.¹ Round Valley Reservoir, the largest reservoir in New Jersey, sits just south of the Borough providing Lebanon with easy access to recreational facilities.

Lebanon is bordered on all sides by the Township of Clinton since it is the “donut hole” of the Township. Main Street Lebanon is quaint and reflects the Borough’s historic village character, while Route 22 contains sizeable office buildings and larger retail stores. However, the Corporate Seventy Eight Center at Lebanon office park (“office park”) has significant vacancy rates, creating large underutilized buildings in an area where demand for office space is low. As of the 2010 Census, Lebanon had a population of 1,358 residents.

The Highlands Council has established a procedure to designate Highlands Centers within the Highlands Region. The first step in the designation process is this feasibility report. The purpose of center designation is to encourage development and redevelopment, and to plan for sustainable economic growth while continuing to protect natural and cultural resources. The Borough of Lebanon has determined it is in its best interest to seek Highlands Center Designation. This document has been prepared in support of such designation.

¹ http://www.njtransit.com/sa/sa_servlet.srv?hdnPageAction=ServiceAdjustmentTo&AdjustmentId=9792

II. PROPOSED CENTER BOUNDARIES

The proposed Highlands Center comprises most of the Borough's land except for small areas in the northwest and south. Nearly all of the Borough's residential development and all of its commercial development is located in the proposed center. The center comprises of 0.802 square miles, or 90.5% of the Borough. The limits of the proposed center boundary are illustrated on page 3.

Two areas within Lebanon were purposely excluded from the proposed Center. The first area is located north of I-78 and west of the terminus of Prostack Lane. This area includes a 25 acre preserved farm and a tract of forested land. The second area excluded from the proposed center is located in the southeast corner of the Borough and includes a Round Valley Reservoir maintenance building owned by the State of New Jersey. All other lands are located within the proposed center boundary. Key attributes of the center are as follows:

- **Land Use**

The center has a variety of land uses divided into unique sections by the roads that traverse through the Borough. Multiple uses are located north of I-78, which include farmland, industrial buildings (one of which is located in both Clinton Township and Lebanon) and an apartment complex known as Presidential Place located on the east side of Cokesbury Road. South of I-78 and north of Route 22 is largely commercial or office buildings, but Borough-owned property, vacant land and single-family residential homes are scattered throughout. Specific land uses include the Hunterdon Hills Plaza with offices, retail establishments and a daycare; Courtyard by Marriott Hotel, Metropolitan Seafood and Gourmet and the Hunterdon County Road Department complex.



Photo 1: Presidential Place

PROPOSED CENTER BOUNDARY

BOROUGH OF
LEBANON

HUNTERDON COUNTY
NEW JERSEY



Legend

Proposed Center Boundary

Municipal Boundary

Parcels

Zone

Protection

Conservation

Existing Community

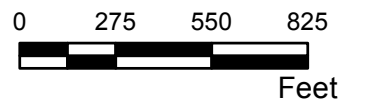
Sub-Zone

Existing Community Environmentally Constrained

Conservation Environmentally Constrained

Lake Community

Wildlife Management Area



1 inch = 550 feet

This map was developed using NJDEP and County GIS digital data, but this secondary product has not been verified by NJDEP and is not state-authorized.



March 2017

Between Route 22 and Main Street there are residential and commercial uses. Commercial uses in this area are smaller than those to the north. These smaller commercial uses include two gas stations, a salon, a bait and tackle shop and the like. The largest single retail tenant on this side of the highway is Indian Motorcycles, which purchased one of the vacant warehouses along Route 22 and converted the building into a sales center.



Photo 2: The Commons at Lebanon

Finally, south of Main Street offers mainly single-family residential developments including the multi-family complexes, The Commons at Lebanon and Heights of Lebanon. This section also includes the majority of the historic single-family detached homes within the Borough. Other uses include commercial, mainly along Main Street, industrial near the railroad and public property, such as the municipal building and the elementary school. The Land Use map on page 8 illustrates the various land uses within the Borough.

- **Zoning**

There are nine zones within Lebanon. North of I-78 is the ROM-100,000 Zone for research, office and manufacturing uses, which is located west of Cokesbury Road, while the R-MF/AH Zone Multi-Family and Affordable Housing Zone is located to the east of Cokesbury Road. The R-MF/AH Zone encompasses the multi-family Presidential Place development. The entire area between I-78 and Route 22 is designated as the COM-ROM-200,000 Zone, which permits a variety of commercial, research, office and manufacturing uses.

Between Route 22 and Main Street there are three zoning districts. Along the east-bound side of Route 22 is the COM-ROM-100,000 Zone. Along Main Street there are two primary Zoning Districts, the R-1-15P Zone for residential and home professional uses and the C-LB Zone for local

business uses. South of Main Street are the R-1-20, R-1-15, R-1-15P, R-MF and R-MF/AH residential zones. The R-MF Zone encompasses the Commons at Lebanon townhome development, while the R-MP/AH Zone encompasses the Heights of Lebanon condominium development. There is also a COM-ROM-100,000 Zone located near the Lebanon train station. The map on page 9 illustrates the proposed center boundaries superimposed on the Borough's Zoning Districts.



Photo 3: Heights at Lebanon

It should be noted that Lebanon has not designated any areas within the Borough as Rehabilitation Areas or Redevelopment Areas.

■ **Historic Assets**

The Borough has two historic districts. The first is the Central Railroad of New Jersey Main Line Corridor Historic District, which follows the railroad right-of-way. The second is the Lebanon Historic District, which is identified as Main, Cherry, Maple and High Streets as well as Brunswick Avenue. The Lebanon Historic District is on both the New Jersey State Register and the National Register. There are 227 buildings that contributed to the district's designation. The period of



Photo 4: Lebanon Reformed Church

significance for the historic district is 1813 through 1942.² The map on page 10 illustrates the two districts.

▪ **Mobility**

As noted in the introduction, Lebanon has good access to both I-78 and Route 22. Furthermore, there are two

County Roads within the Borough that provide north-south access into and out of the community. The first is County Route 639, known as Cokesbury Road. The second is County Route 629, known as Cherry Street. For those without cars, there is the train

station located along Railroad Avenue, which is located on the Raritan Valley rail line. It should be noted that there is no bus service within the Borough. The map on page 11 illustrates the location of the road network and train station in relationship to the proposed center boundary.

In addition to the road network, the Borough has been diligently working to create a nature trail that links the residences south of Main Street to commercial establishments on the south side of Route 22. The trail will connect residents to establishments such as the Post Office, the Exxon/Dunkin Donuts and the Grist Mill complex located along Clark Road. Some sections of the trail have yet to be completed.

▪ **Water and Wastewater Service Areas**

The Borough of Lebanon is served by the Town of Clinton Water Department as well as the Readington-Lebanon Sewerage Authority. The Utility Service Areas Map on page 12 illustrates the location of the service areas. It should be noted that the data in this map is from the Highlands Council.



Photo 5: Lebanon Train Station

² http://www.newjerseyhills.com/hunterdon_review/news/lebanon-borough-listed-on-state-historic-register/article_8ce761fd-8313-557d-9151-9971d90dc3a0.html, accessed May 9, 2017.

As for water capacity, the Town of Clinton publishes a quarterly report on water availability. The latest report is dated July 18, 2017 (see Appendix). According to the report, there were 17,443 gallons per day (“GPD”) available for all five communities the utility serves. In order to fairly allocate remaining water capacity within the service area, the Town of Clinton has enacted water capacity reservation rules, which are outlined on the Town’s website.³

However, the quarterly report does not take into account existing connections to the system and any reservations that have been previously purchased. For example, in Lebanon, one of the corporate office buildings is entirely empty. Therefore, it is not using any of its water allocation. Furthermore, the owners Landwin Holdings, LLC) of Block 4, Lots 1.03 and 1.04 have informed the Borough that they have received a “Will-Serve” letter from the Town of Clinton Water Department, which reserves 30,523 GPD for these two vacant properties.⁴

Wastewater is treated by the Readington-Lebanon Sewerage Authority. According to the Authority’s website, Lebanon has an allocation of 241,000 GPD. Readington has an allocation of 939,000 GPD (which also serves the former Merck campus) and Round Valley Recreational Area has an allocation of 20,000 GPD. This office requested information on sewer capacity last year from the Authority. We received the two page chart in the Appendix (specifically for Lebanon Borough), which illustrates current users as well as reservations for vacant land or properties not currently connected to the system. According to the chart, there are 96,378 GPD of unused flow based on the NJDEP three month average. See the chart (in the Appendix) for additional details.

Therefore, based on the best available data, Lebanon believes there is water and sewer capacity available for future development and redevelopment based on the fact that there is unused or partially use reserved water and sewer capacities and a “Will-Serve” letter reserving water capacity for Block 4, Lots 1.03 and 1.04.

³ http://www.clintonnj.gov/water_sewer.html



⁴ The Borough was not provided a copy of this letter.

LAND USE













BOROUGH OF LEBANON

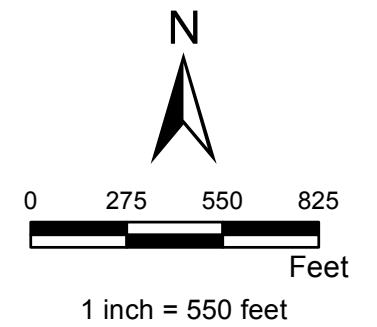
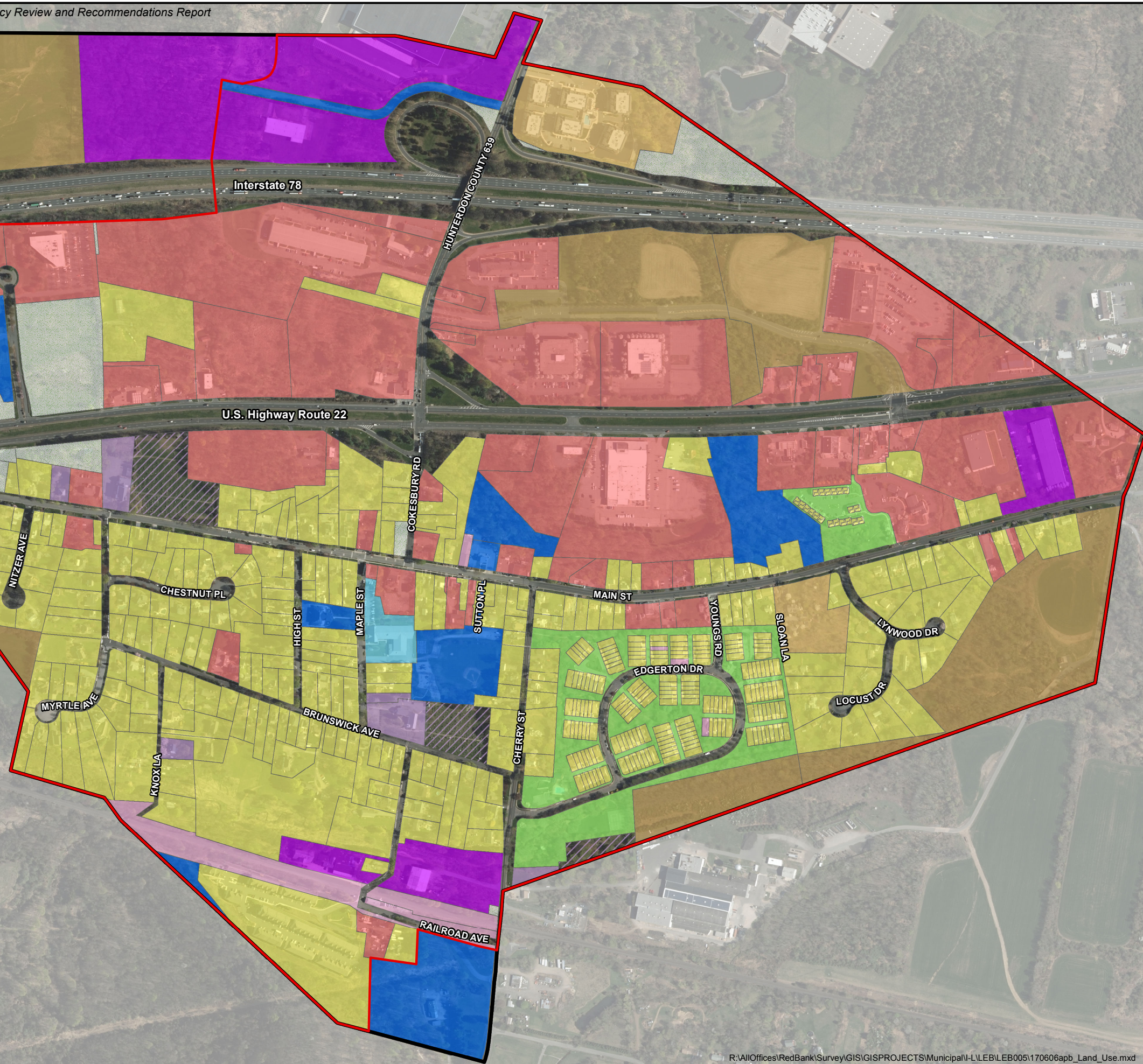
HUNTERDON COUNTY
NEW JERSEY

Legend

-  Proposed Center Boundary
-  Municipal Boundary

2016 Land Use

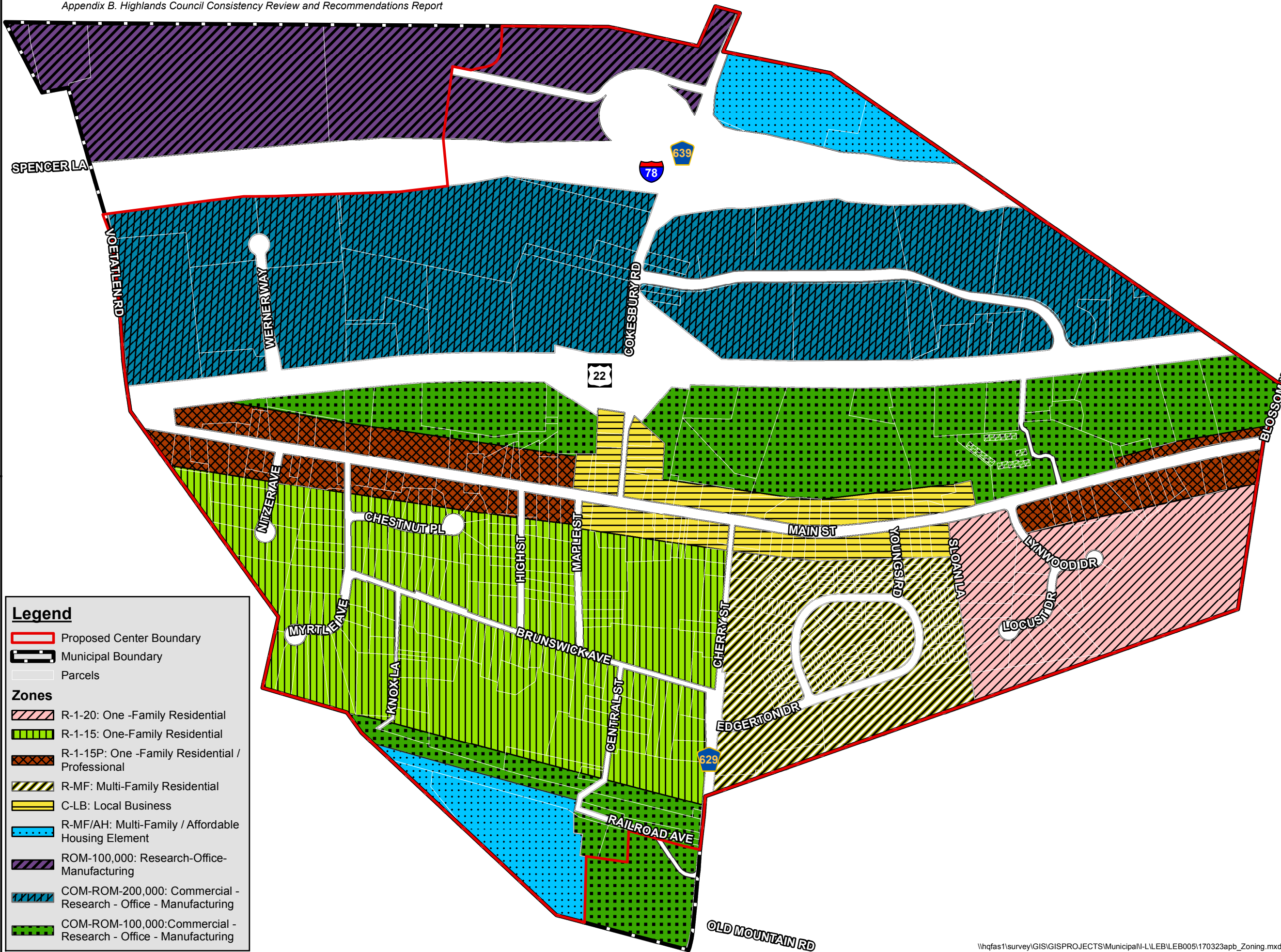
-  Vacant
-  Residential
-  Farmland
-  Commercial
-  Industrial
-  Apartment
-  Common Area
-  School Property
-  Public Land
-  Church or Charitable Organization
-  Cemetery
-  Other Tax Exempt



This map was developed using NJDEP and County GIS digital data, but this secondary product has not been verified by NJDEP and is not state-authorized.



June 2017



Legend

- Proposed Center Boundary
- Municipal Boundary
- Parcels

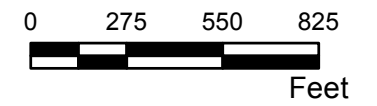
Zones

- R-1-20: One -Family Residential
- R-1-15: One-Family Residential
- R-1-15P: One -Family Residential / Professional
- R-MF: Multi-Family Residential
- C-LB: Local Business
- R-MF/AH: Multi-Family / Affordable Housing Element
- ROM-100,000: Research-Office-Manufacturing
- COM-ROM-200,000: Commercial - Research - Office - Manufacturing
- COM-ROM-100,000: Commercial - Research - Office - Manufacturing

EXISTING ZONING

BOROUGH OF LEBANON

HUNTERDON COUNTY
NEW JERSEY



1 inch = 550 feet

This map was developed using NJDEP and County GIS digital data, but this secondary product has not been verified by NJDEP and is not state-authorized.

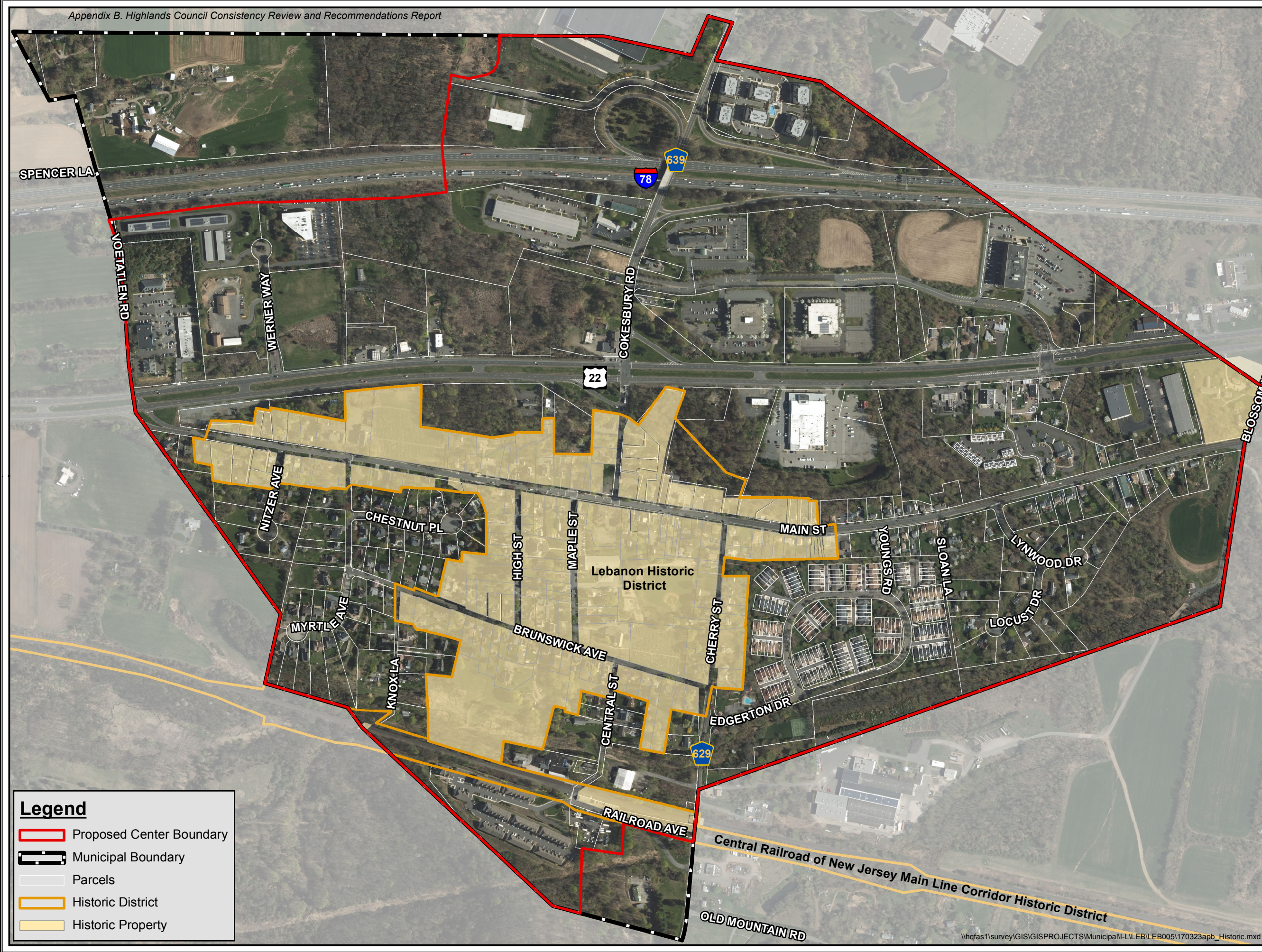


March 2017

HISTORIC DISTRICTS AND PROPERTIES

BOROUGH OF LEBANON

HUNTERDON COUNTY
NEW JERSEY



Legend

- Proposed Center Boundary
- Municipal Boundary
- Parcels
- Historic District
- Historic Property



1 inch = 550 feet

This map was developed using NJDEP and County GIS digital data, but this secondary product has not been verified by NJDEP and is not state-authorized.

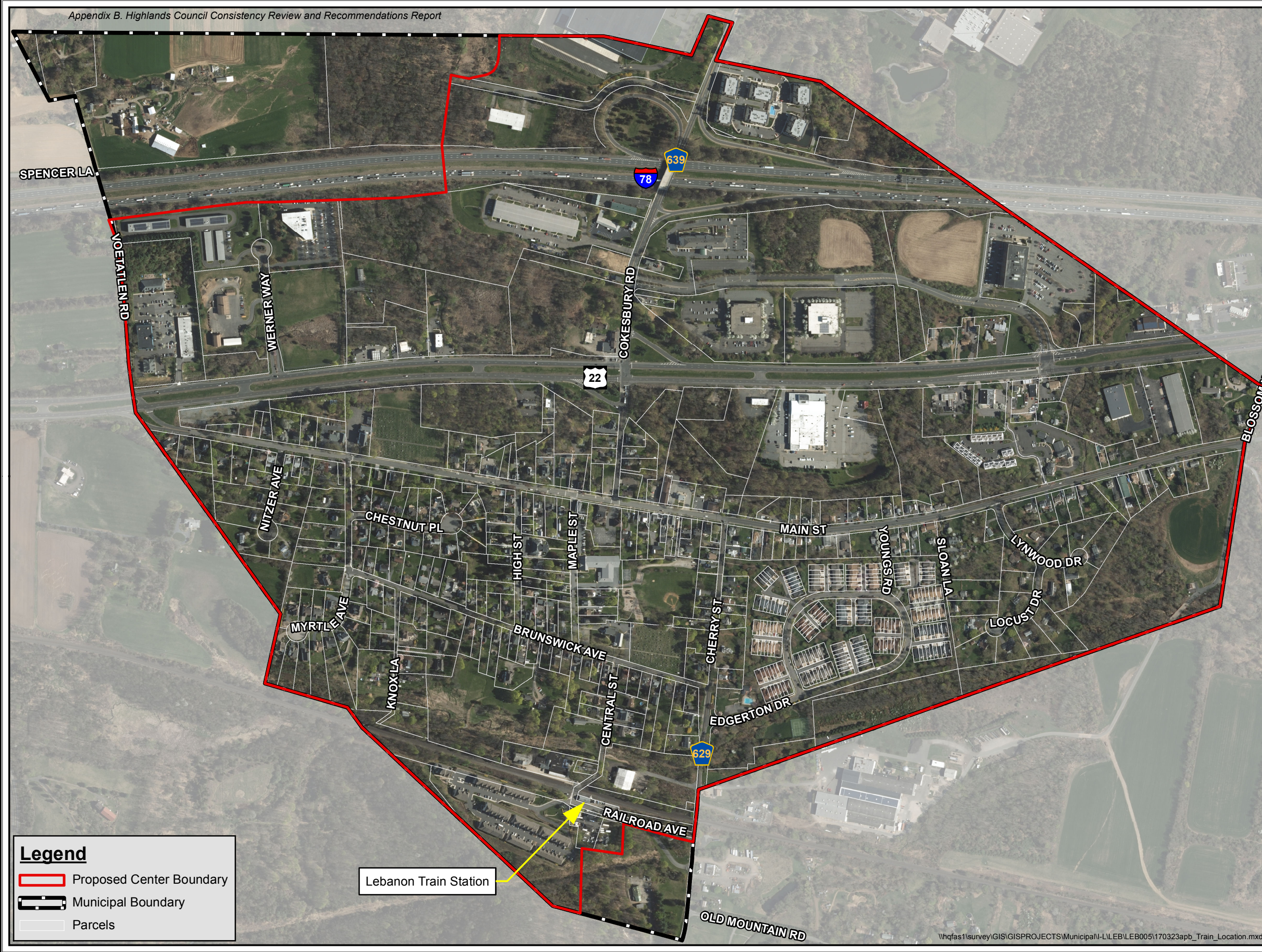


March 2017

TRAIN STATION LOCATION

BOROUGH OF LEBANON

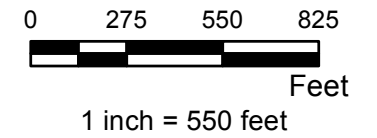
HUNTERDON COUNTY
NEW JERSEY



Legend

- Proposed Center Boundary
- Municipal Boundary
- Parcels

Lebanon Train Station



This map was developed using NJDEP and County GIS digital data, but this secondary product has not been verified by NJDEP and is not state-authorized.

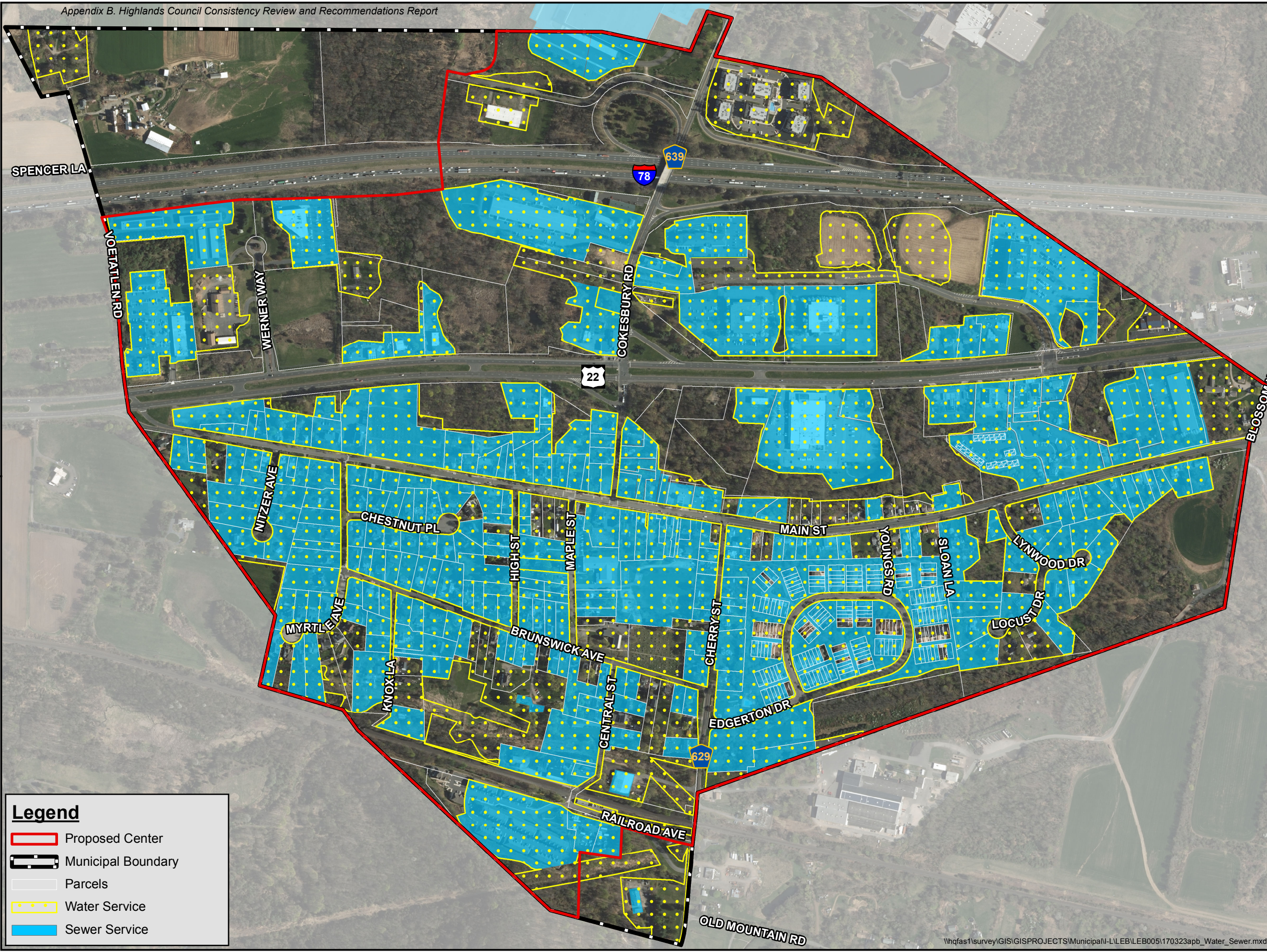


March 2017






EXISTING WATER AND SEWER SERVICE AREAS

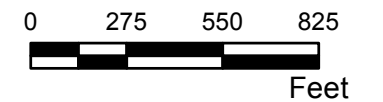
**BOROUGH OF
LEBANON**

HUNTERDON COUNTY
NEW JERSEY



Legend

-  Proposed Center
-  Municipal Boundary
-  Parcels
-  Water Service
-  Sewer Service



1 inch = 550 feet

This map was developed using NJDEP and County GIS digital data, but this secondary product has not been verified by NJDEP and is not state-authorized.



March 2017

III. PURPOSE & GOALS OF HIGHLANDS CENTER DESIGNATION

Through Center Designation the Borough intends to further the intents and purposes of the Highlands Act, the Highlands Regional Master Plan and encourage development/redevelopment in compatible areas of the Borough, particularly along Route 22. Center Designation will be used as a vehicle to address the vacant office and retail buildings, develop a sense of place along Route 22, promote smart growth principles and advance the following goals:

1. Increase the potential for redevelopment along the Route 22 corridor.
2. Encourage economic development within the entire Borough, while protecting the environmental resources that exist within the community.
3. Provide opportunities to construct mixed-use developments to make the Borough a destination for surrounding communities.
4. Provide a catalyst for the renaissance of the corporate office park and redevelopment it for the twenty-second century.
5. Enhance the aesthetics of the commercial areas within the Borough.
6. Encourage building owners to preserve the architectural integrity of historic buildings.
7. Strategically provide for recreation facilities within close proximity to existing and future residential areas to ensure residents are able to walk to parks and open spaces.
8. Achieve a safe means for residents, especially school-aged, to safely cross Route 22.
9. Encourage and support the construction of a park-and-ride/bus terminal facility near the interchange to decrease vehicular trips on the State highways.
10. Encourage and support the construction of the omitted ramps to create a full interchange at Exit 20.

The benefits of Center Designation in addition to achievement of the above goals include enhancement of commercial areas and an improved quality of life for Lebanon residents. Furthermore, it is the Borough's ongoing objective to create a safe way to cross Route 22 and create a full interchange at Exit 20. Lebanon seeks any assistance that Center Designation can provide to achieve these objectives.

Lebanon as it sits today is a "center" with its Main Street and commercial uses along Route 22. Highlands Center Designation will recognize existing on-the-ground conditions and assist the Borough in its efforts to promote economic development, preserve the historic assets of the Borough and enrich the quaint village character, all while protecting the natural resources that exist within the community.

IV. RELATIONSHIP TO HIGHLANDS REGIONAL MASTER PLAN

In the 2016 Master Plan Reexamination Report (“2016 Report”), Lebanon recognized that the Corporate Seventy Eight Center at Lebanon office park located along Route 22 is becoming increasingly vacant and underutilized. The Borough expressed interest in working with the Highlands Council to obtain Center Designation and prepare a Sustainable Economic Development Plan Element in the 2016 Report. A Sustainable Economic Development Plan would work to achieve sustainable economic development by importing financial capital into the community while sustaining the community’s natural, historic and social assets in order to promote prosperous long-term economic activity. It involves creating a balance between capitalizing upon and protection of the community’s assets. A Sustainable Economic Development Plan would analyze the existing conditions of the office park and the greater Borough. The document would allow Lebanon to analyze alternative uses for the office park and create steps in order to implement the alternatives.



Photo 6: One of the buildings within the office park

Being designated as a Highlands Center would allow the Borough to obtain planning grants (to complete, for example, a Sustainable Economic Development Plan) and technical expertise to create new development regulations to promote and encourage economic and sustainable growth.

The proposed Highlands Center for the Borough of Lebanon would be consistent with and advance a number of goals, policies and objectives of the 2008 Highlands Regional Master Plan. In particular, the following goals, policies and objectives will be advanced with the designation of Lebanon as a Highlands Center:

GOAL 5A: PROVISION OF SAFE AND EFFICIENT MOBILITY WITHIN THE HIGHLANDS, AND BETWEEN THE HIGHLANDS AND DESTINATIONS OUTSIDE OF THE REGION. (Page 184⁵)

Policy 5A3: To improve public safety through implementation of traffic calming measures in areas with high pedestrian activity.

Policy 5A4: To provide safe and efficient pedestrian connections including features such as sidewalks, proper lighting, signage, shelters, and green street initiatives consistent with the NJDOT's Pedestrian Safety Initiative.

GOAL 5C: TRANSPORTATION IMPROVEMENTS WITHIN THE HIGHLANDS REGION THAT ARE CONSISTENT WITH THE HIGHLANDS REGIONAL MASTER PLAN. (Page 185)

Policy 5C4: To support economic development by ensuring that transportation planning and improvements support regional development, redevelopment and tourism opportunities.

Objective 5C4a: Increase tourism opportunities through innovative multi-modal transportation measures and accessible transit schedules.

Objective 5C4b: Support regional tourism economy through enhanced street furnishings, directional signage and Highlands Region tourism information.

GOAL 5D: A MULTI-MODAL TRANSPORTATION SYSTEM WHICH FACILITATES THE MOVEMENT OF PEOPLE AND GOODS WITHIN AND THROUGH THE HIGHLANDS REGION WITHOUT ADVERSELY AFFECTING ECOSYSTEM INTEGRITY AND COMMUNITY CHARACTER.

Policy 5D1: To promote the use of mass transit and other alternative modes of transportation within the Highlands Region.

Highlands Goal 5A aligns with Goal #8 of this study – *Achieve a safe means for residents, especially school-aged, to safely cross Route 22.*

Highlands Goal 5C aligns with Goal #10 of this study – *Encourage and support the construction of the omitted ramps to create a full interchange at Exit 20.*

Highlands Goal 5D aligns with Goal #9 of this study – *Encourage and support the construction of a park-and-ride/bus terminal facility near the interchange to decrease vehicular trips on the State highways.*

⁵ Page numbers in this section refer to the 2008 Highlands Regional Master Plan.

Objective 5D1b: Increase overall transit ridership and the use of multi-modal transportation systems for peak hour travel.

Policy 5D5: To encourage and promote recreation and tourism through appropriate transportation measures, accessible transit schedules, and enhanced street furnishings and information and directional signage. (Page 186)

GOAL 5E: MINIMIZATION OF TRAVEL DEMAND AND VEHICLE MILES OF TRAVEL.

Policy 5E1: To promote land use patterns that support a balance of jobs to housing as a means of reducing average trip lengths.

Objective 5E1a: Development and redevelopment which provides housing and jobs in close proximity.

Objective 5E1b: Development and redevelopment in close proximity to rail stations and along bus routes.

Policy 5E2: To promote municipal and county master plans and development regulations which facilitate the development of mixed land uses in locations that result in reduced average trip lengths, increase community and regional connectivity and support existing development patterns.

Policy 5E3: To promote land use patterns that support a balance of jobs to housing as a means of reducing average trip lengths. (Page 187)

GOAL 6E: INCORPORATION OF REGIONAL DEVELOPMENT PATTERNS AND RELATED ENVIRONMENTALLY SENSITIVE AREAS WITHIN EXISTING COMMUNITY ZONES.

Policy 6E1: To promote the location of sustainable and economically viable development activities in the Existing Community Zone where not constrained by existing environmentally sensitive resources.

Highlands Goal 5E aligns with Goal #3 and Goal #4. Goal #3 states *Provide opportunities to construct mixed-use developments to make the Borough a destination for surrounding communities.* Goal #4 states *Provide a catalyst for the renaissance of the corporate office park and redevelopment it for the twenty-second century.*

Highlands Goal 6E aligns with Goal #2 of this study – *Encourage economic development within the entire Borough, while protecting the environmental resources that exist within the community.*

GOAL 6F: SUPPORT OF COMPACT DEVELOPMENT, MIXED USE DEVELOPMENT AND REDEVELOPMENT AND MAXIMIZATION OF WATER, WASTEWATER AND TRANSIT INFRASTRUCTURE INVESTMENTS FOR FUTURE USE OF LAND AND DEVELOPMENT WITHIN THE EXISTING COMMUNITY ZONE.

Policy 6F1: To promote compatible development and redevelopment within the ECZ.

Policy 6F2: To promote the restoration and redevelopment of brownfields, particularly those located in or adjacent to transportation corridors and or transit stations. In cases where redevelopment is not appropriate, encourage “brownfield to greenfield” approaches.

Policy 6F3: To ensure that development activities within the ECZ are subject to standards and criteria which ensure that development and redevelopment incorporate smart growth principals and do not adversely affect natural resources.

Policy 6F4: To ensure that development and redevelopment within the ECZ are served by adequate public facilities including water supply, wastewater treatment, transportation, educational and community facilities.

Policy 6F5: To ensure that development and redevelopment in the ECZ are compatible with existing community character.

Policy 6F6: To encourage new population growth, where desired by the municipality, and development in the ECZ is in the form of center based and mixed use development.

Policy 6F7: To encourage redevelopment in the Existing Community Zone as a means to relieve development pressure from more environmentally sensitive areas. (Page 190)

GOAL 6H: GUIDE DEVELOPMENT AWAY FROM ENVIRONMENTALLY SENSITIVE AND AGRICULTURAL LANDS AND PROMOTE DEVELOPMENT AND REDEVELOPMENT IN OR ADJACENT TO EXISTING DEVELOPED LANDS. (Page 192)

Objective 6H1d: Cluster and conservation design development plans and regulations shall consider existing community character, incorporated smart growth design principles and require Low Impact Development including but not limited to: locating development adjacent to existing infrastructure such as water, wastewater, transportation and public facilities to limit the degree of new impervious surface and permitting smaller residential lots in order to incorporate community open space and existing natural resources into the design.

Policy 6H4: To promote compatible growth opportunities that include in-fill development, adaptive re-use, redevelopment, and brownfields redevelopment in existing developed areas.

Highlands Goal 6F aligns with Goal #3 of this study –Provide opportunities to construct mixed-use developments to make the Borough a destination for surrounding communities. It also supports Goal #1 – Increase the potential for redevelopment along the Route 22 corridor.

Policy 6H5: To promote land uses which create a sense of place with attractive, walkable neighborhoods that support community connectivity of developed lands and community facilities. (Page 193)

Policy 6H8: Regional growth, where accepted through local planning and regulations, should identify opportunities to maximize land use intensity while protecting natural features and community character.

Policy 6H9: To incorporate smart growth principals and green building design and technology in development and redevelopment initiatives. (Page 194)

GOAL 6J: ACCOMMODATION OF REGIONAL GROWTH AND DEVELOPMENT NEEDS THROUGH THE REUSE AND REDEVELOPMENT OF PREVIOUSLY DEVELOPED AREAS, INCLUDING BROWNFIELDS, GRAYFIELDS AND UNDERUTILIZED SITES.

Policy 6J2: To encourage redevelopment in the ECZ in the Planning Area of brownfields, grayfields, and other previously developed areas that have adequate water, wastewater, transportation capacity, and are appropriate for increased land use intensity or conversion to greenfields, as approved through Plan Conformance or the Highlands Redevelopment Area Designation process.

GOAL 6K: CONCENTRATE RESIDENTIAL, COMMERCIAL AND INDUSTRIAL DEVELOPMENT, REDEVELOPMENT, AND ECONOMIC GROWTH IN EXISTING DEVELOPED AREAS IN LOCATIONS WITH LIMITED ENVIRONMENTAL CONSTRAINTS, ACCESS TO EXISTING UTILITY, AND TRANSPORTATION INFRASTRUCTURE.

Highlands Goal 6J and 6K align with Goal #1 of this study – Increase the potential for redevelopment along the Route 22 corridor. It also advances Goal #4 – Provide a catalyst for the renaissance of the corporate office park and redevelopment it for the twenty-second century.

Policy 6K1: To promote redevelopment of brownfields, grayfields and other previously developed areas in a manner consistent with the goals and requirements to the Plan. (Page 195)

GOAL 6L: CONFORMING MUNICIPALITIES AND COUNTIES CONSIDER DEVELOPMENT, REDEVELOPMENT AND BROWNFIELD OPPORTUNITIES IN THEIR MASTER PLANS.

Policy 6L2: To require that conforming municipalities amend development regulations and zoning to enable project implementation of local redevelopment initiatives that are identified under Policy 6L1 and locally endorsed through Plan Conformance. (Page 196)

GOAL 6N: USE OF SMART GROWTH PRINCIPLES, INCLUDING LOW IMPACT DEVELOPMENT, TO GUIDE DEVELOPMENT AND REDEVELOPMENT IN THE HIGHLANDS REGION.

Policy 6N1: To establish smart growth programs and Low Impact Development principles for use within the Highlands Region to guide and control development and redevelopment throughout the Highlands Region.

Objective 6N1b: Implement flexible site development review programs that allow for adjustments such as reduction of minimum setbacks, modification of uniform road frontage requirements, increase in maximum permitted height or allowing non-contiguous clustering of development entitlements where necessary to mitigate or eliminate adverse impacts on Highlands natural resources. (Page 197)

Policy 6N5: To require through Plan Conformance that municipalities and counties incorporate programs for community neighborhood design that support a variety of housing options, mixed uses, redevelopment, adaptive re-use of historic sites and structures and infill development in their master plans and development regulations.

GOAL 6O: MARKET-RATE AND AFFORDABLE HOUSING SUFFICIENT TO MEET THE NEEDS OF THE HIGHLANDS REGION WITHIN THE CONTEXT OF ECONOMIC, SOCIAL AND ENVIRONMENTAL CONSIDERATIONS AND CONSTRAINTS. (Page 199)

Policy 6O2: To promote, where appropriate and permitted by the Land Use Capability Zone, center-based development approaches that address a mix of housing types, support mixed uses, and implement compact development approaches.

Policy 6O4: To encourage the targeting of new housing to areas with compatible existing densities and within walking distance of schools, employment, transit, and community facilities and services. (Page 200)

GOAL 8A: SUSTAINABLE ECONOMIC DEVELOPMENT IN THE HIGHLANDS REGION.

Policy 8A1: To maintain and expand the existing job and economic base by promoting appropriate, sustainable, and environmentally compatible economic development throughout the Highlands Region.

Objective 8A1c: Public private partnerships to support economic development initiatives.

Policy 8A2: To preserve the high quality of life in the Highlands Region through economic planning and implementation of the RMP.

Policy 8A6: To require that conforming municipalities develop an economic plan element that provides strategies for achieving sustainable and appropriate economic development consistent with local desire and identifies any development, redevelopment, and brownfield opportunities. (Page 208)

Highlands Goal 8A aligns with Goal #2 of this study – *Encourage economic development within the entire Borough, while protecting the environmental resources that exist within the community.*

GOAL 8C: EXPANSION OF COMPATIBLE AND SUSTAINABLE TOURISM AND RECREATION WITHIN THE HIGHLANDS REGION.

Policy 8C1: To promote recreation and tourism based economic initiatives, which derive economic benefit from sustainable use of the natural resources of the Highlands Region.

Objective 8C1a: Identification of specific economic development initiatives which would encourage and promote eco-, agri-, and heritage tourism in the Highlands Region.

Policy 8C2: To enhance the Region's tourism infrastructure in order to increase visitors to the Highlands Region.

Objective 8C2a: Encourage the development of overnight accommodations and other services to support recreation and tourism attractions in the Highlands Region, where appropriate and permitted by Land Use Capability Zone.

Objective 8C2b: Encourage transit-oriented recreation and tourism connections. (Page 209)

GOAL 9A: REDUCTION OF AIR POLLUTION THROUGH USE OF ALTERNATIVE AND EFFICIENT MODES OF TRANSPORTATION AND THE USE OF RENEWABLE ENERGY SOURCES.

Policy 9A3: To encourage land use development and redevelopment practices that promote center-based growth and mixed-use development and offer alternative modes of transportation as a means to reduce automobile dependency, vehicle miles traveled, vehicle trip length, and duration, for reduction of local and regional air pollutants and of carbon dioxide emissions linked to global warming.

Policy 9A5: To encourage energy efficient design and green building practices in support of regional resource protection and smart growth planning policies. (Page 210)

Highlands Goal 9A aligns with Goal #9 of this study – *Encourage and support the construction of a park-and-ride/bus terminal facility near the interchange to decrease vehicular trips on the State highways.*

Highlands Center Designation would focus future redevelopment in the Borough of Lebanon into the proposed center and specifically, the office park and along the Route 22 corridor. Lebanon is desirous of reinventing the office park, which is reaching the end of its lifetime. 100 and 200 Corporate Drive, two of the buildings within the office park comprise over 13 acres of grayfields that can be repurposed to achieve numerous goals, policies and objectives as outlined on pages 13 through 13. With I-78 and Route 22 traversing through the proposed center as well as a having a New Jersey Transit train station, the proposed center has ready access to multi-modal transportation opportunities. Center Designation will allow the

creation of design guidelines that will incorporate a pedestrian component to make a more walkable, pedestrian friendly area.

V. CONCLUSION

The proposed Lebanon Highlands Center has the potential for sustainable economic development, focusing development where infrastructure currently exists and advancing the Highlands Regional Master Plan as well as Lebanon's goals and objectives. Highlands Center Designation will allow the Borough to focus its future growth in the office park area and the Route 22 corridor, creating a mix of uses to enhance the Borough's commercial component and be a node of shops and services for both Borough residents and surrounding communities' residents. Center Designation would also strengthen the existing commercial and residential neighborhoods in Lebanon. This would allow the Borough to continue to provide goods, services and jobs to the immediate area.

Center designation in Lebanon will capitalize on the existing train station service, provide housing and jobs in close proximity, optimize the use of existing infrastructure, create a sense of place along Route 22, redevelop "grayfields", preserve the historic district and enhance the quality of life for the Borough's residents.

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APPENDIX: NEXT STEPS

If the Mayor and Council approve the submission of this Highlands Center Designation Feasibility Study, the approval would be accompanied by a Resolution from the Mayor and Council of Lebanon requesting to amend the Borough's Petition for Plan Conformance to include Center Designation. The bullets below provide a general outline of the process to approve the amended petition:

- Upon receipt of an amended Petition for Plan Conformance, the Highlands Council Executive Director shall post a record of the receipt of the Petition on the Highlands Council's website.
- The Executive Director shall review the amended Plan Conformance Petition for administrative completeness within 60 days of receipt. The Executive Director shall inform the Petitioner of these findings in writing. In the event a Petition is deemed administratively incomplete, the letter shall specify the deficiencies and the timeframe (if applicable) within which they must be corrected. A finding of administrative completeness shall in no event preclude the Highlands Council from requesting such additional information as may prove necessary during the process of its review, to

clarify, complete, correct or modify an amended Petition in the interest of ultimately achieving Plan Conformance.

- Where a Petition for Plan Conformance is determined to be administratively complete, the Executive Director shall undertake a review of the amended Petition to determine whether or not the submission adequately and comprehensively addresses the requirements of the Regional Master Plan.
- After completing the amended Petition review, the Executive Director shall prepare a report making recommendations regarding one or more of the following actions:
 - The approval, rejection, or approval with conditions of any revisions to the documents that have been submitted in the Amended Petition for Plan Conformance;
 - Where the Executive Director conditionally recommends the approval of an Amended Petition for Plan Conformance, such recommendation shall include a local implementation schedule that specifies a date certain by which any conditions must be satisfied;
 - Where the Executive Director conditionally recommends the approval of an Amended Petition for Plan Conformance, the recommendation shall specify which benefits, including planning grants and technical assistance, may be made available to the Petitioner and the conditions required to be fulfilled to receive such benefits.
- Next, the Executive Director will post the draft report on the Highlands Council website for a public comment period prior to the Highlands Council hearing. The Borough would like to aim to be placed on the Highlands Council's October 2017 agenda.
- The Highlands Council shall conduct such deliberations as needed and shall, within 60 days of the date of receipt of the final report, approve, reject, or approve with conditions the documents and any other aspects of the amended Petition as it deems appropriate. The Highlands Council decision shall be by resolution, with an opportunity for public comment. Nothing herein shall preclude an extension of the 60-day time period, by consent of the Petitioner.
- The Highlands Council shall adopt a memorializing resolution on each amended Petition for Plan Conformance providing its findings, conclusions, and final determination in the matter and a listing of any conditions pertaining thereto, a copy of which shall be provided to the Petitioner.
- The Executive Director shall provide public notice of any determination on the Highlands Council web site and shall publish any other notices as legally required.
- Following the Highlands Council approval, a new Supplemental Grant Agreement would be approved and issued, which would include the needed funding for the Center Plan and implementation.

- A new Implementation and Plan Schedule would also be issued that aligns with the new Supplemental Grant Agreement.

APPENDIX: DOCUMENTS

Town of Clinton Water Report
LBSA Report



SUBURBAN CONSULTING ENGINEERS, INC.

July 18, 2017

Via Electronic Mail (rphelan@clintonnj.gov) and Regular Mail

Town of Clinton
43 Leigh Street
Clinton, New Jersey 08809

Attn: Richard D. Phelan
Public Works/Business Administrator

Re: Town of Clinton, County of Hunterdon, State of New Jersey
2017 Second Quarter Report
Letter of Water Availability
Our Project No.: SCE-3765

Dear Mr. Phelan:

SUBURBAN CONSULTING ENGINEERS, INC. (SCE) offers the following Letter of Water Availability to the Town of Clinton Water Department as a planning tool that may be used by interested parties requesting information of water availability.


The following water availability calculation has been based on a firm capacity calculation as defined by the NJDEP in N.J.A.C. 7:10-11.6(a), using a peak daily demand as defined herein and prescribed under N.J.A.C. 7:10-11.4(a)(7).

Water Availability as of June 30, 2017: **17,443 gallons per day (GPD)**

The above water availability determination is based on actual water system demand and supply conditions, and also incorporates all valid water reservations up to the date of this determination. Future water system reservation applicants are cautioned that the water availability described herein is subject to variation, and this letter in no way represents a commitment to serve or a guarantee of allocation for a project at the time of application for water reservation.

Should you have any questions, please feel free to contact our office. Thank you.

Very truly yours,
SUBURBAN CONSULTING ENGINEERS, INC.



Andrew S. Holt, PE, PP, CME
Water System Consulting Engineer

cc: Richard Cushing, Clinton Attorney (rcushing@gklegal.com)

R:\Clinton Town\Clinton Town 3765 General Services\3765 Correspondence\3765 Corresp. 2017\Quarterly Letters of Water Availability\3765.017 ASH LTR RPhelan (2017-07-18).docx

96 US Highway 206, Suite 101 • Flanders, New Jersey 07836 • Tel: (973) 398-1776 • Fax: (973) 398-2121

www.suburbanconsulting.com

Appendix B. Highlands Council Consistency Review and Recommendations Report

FREY ENGINEERING, LLC. 1117 STATE HIGHWAY 31, SUITE 4, LEBANON, NJ 08833								
LEBANON BOROUGH SEWERAGE AUTHORITY CAPACITY ANALYSIS - Last Revised 04.05.16 RLSA APRIL 2016 Flows, Capacity Compliance Analysis								
	BLK LOT	MAILING ADDRESS	GPD WATER USAGE 2014, TOWN OF CLINTON	GPD CAPACITY ASSIGNED	GPD REQUIRED ALLOCATED REMAINING CAPACITY	STATUS OF USER		
RLSA PLANT ORIGINAL CONSTRUCTION ALLOCATION - 160,000 GPD					PLANT ALLOCATION	160,000	GPD	
					STATUS		NOTES	
BELLEMEAD CORPORATE PARK					NJDEP CP-1 November 20, 1986 - Estimated @ 1.25 gpd/sf = 74,290 gpd. Estimated @ 0.065 gpd /sf = 37000. APPROVED		REMAINING REQUIRED ALLOCATED	
					TOTAL FOR ALL LOTS, Lots 1.01, 1.02, 1.03, 1.04 and 1.05 is 37,000 gpd. Marriot Hotel on Lot 1.06 approved under 2001 TWA for 9,375 gpd		REMAINING CAPACITY BELLEMEAD CORP CENTER	
BELLEMEAD CORPORATION BLDG 1	BK 4, LOT 1.01	100 CORPORATE DRIVE	1,362	5,459	4,097	ONLINE PARTIALLY OCCUPIED	ONLINE	
AQUA REALTY - BLDG 2	BK 4 LOT 1.02	200 CORPORATE DRIVE	6	5,459	5,453	ONLINE, LIMITED USE	ONLINE	
BELLEMEAD CORPORATION BLDG 3	BK 4 LOT 1.03	400 CORPORATE DRIVE	0	7,976	7,976	7976 reserved VACANT, 12.24.14	AMD'D AGREEMENT 6/11	
BELLEMEAD CORPORATION BLDG4	BK 4 LOT 1.04	500 CORPORATE DRIVE	0	7,876	7,876	7876 reserved VACANT, 12.24.14	AMD'D AGREEMENT 6/11	
BELLEMEAD CORPORATION BLDG 5	BK 4 LOT 1.05	600 CORPORATE DRIVE	2,616	10,230	7,614	ONLINE OCCUPIED		
MARRIOTT HOTEL	BK 4 LOT 1.06	300 CORPORATE DRIVE	8,315	9,375	1,060	ACTIVE, ON LINE, FLOW VARIES		
KB TOYS - NOW PVI-WIP CLINTON LLC	BK 1 LOT 3	PVI-WIP, Clinton, LLC, 1 Main St.	1824	8000	6,176	Allocated 8,000 gpd, new owner PVI-WIP Clinton LLC, 1,824 gpd 12/29/2014		
ORIGINAL PLANT CONSTRUCTION - CONTRACTED AND REMAINING ALLOCATIONS TOTAL OUT OF 160,000 GPD					40,252	GPD		
RLSA PLANT EXPANSION ALLOCATION - 80,000 GPD					PLANT ALLOCATION FROM EXPANSION		80,000	GPD
SERRA, JODY	BK 2 LOT 13	22 COKESBURY ROAD				EXISTING USE ONLINE @ 280 GPD	ONLINE	
		1117 RTE 31, LEBANON NJ	0	300	300	REQUESTED for office use under site plan		
ARCHITECTURAL HOLDINGS LLC	BK 2 LOT 4.03	3 WERNER WAY	1,085	3,700	2,615	3700 reserved, 1010 gpd in 2014, 12/29/14	ONLINE	
PARTIALLY OCCUPIED 50%		LEBANON NJ 08833						
ARCHITECTURAL HOLDINGS LLC	BK 2 LOT 4.04	3 WERNER WAY	0	4,700	4,700	NOT ONLINE	VACANT APPROVED LOT	
PIZZO AND PIZZO - COAH BASED	BK 3 LOTS 1 & 3	152 UNITS CO.D 12/31/11	23,180	34,200	11,020	All units CO'd 97% occupied as of 12/2014, keep reserve	ONLINE	
Total flow capacity per NJDEP TWA and LBSA agreement is 34,200 gpd. Built out, 95% occupied average 2014								
LEBANON PLAZA	BK 5 LOT 25	92 W MAIN ST, MENDHAM, NJ 0	1726	4800	3,074	4,800 Reserved, use 1726 gpd, 2014, 12.29.14	ONLINE	
4,800 gpd, reserve agreement. Currently at 65% occupancy. Individually metered units								
HEIGHTS AT LEBANON - KAPLAN	BK 10 LOT 2	433 RIVER RD	12,093	26,175	11,059		ONLINE	
COAH UNITS BUILT OCCUPIED 02.13		HIGHLAND PARK NJ 08904				TWA agreement total 26,175 gpd		
HUNTERDON PLAZA	BLK 2 LOT 2	1386-90 RT 22	2,900	4,900	2,000	4900 RESERVED, use 2900 gpd, 12.29.14	New Chinese Resatuant on line 11/14, 630 gpd ALLOCATED	
CUTSHAW, FLEX WAREHOUSE	BLK 2 LOT 15	49 COKESBURY ROAD	0	300	300	SIGNED AGREEMENT, 08/08, FINAL CO 12/14	CO'D 12/14 START FLOWS 2015	
FR06, LLC	BLK 2 LOT 10	COKESBURY ROAD	0	300	300	VACANT, merged with 9, part of JDN agreement, not used yet.		
EXPANSION - CONTRACTED AND RMEAINING ALLOCATIONS TOTAL FOR LOTS OF RECORD UNDER DEVELOPMENT					35,368	GPD		

Appendix B. Highlands Council Consistency Review and Recommendations Report

FREY ENGINEERING, LLC. 1117 STATE HIGHWAY 31, SUITE 4, LEBANON, NJ 08833							
LEBANON BOROUGH SEWERAGE AUTHORITY CAPACITY ANALYSIS -Last Revised 04.05.16 RLSA APRIL 2016 Flows, Capacity Compliance Analysis							
	BLK LOT	MAILING ADDRESS	GPD WATER USAGE 2014, TOWN OF CLINTON	GPD CAPACITY ASSIGNED	GPD REQUIRED ALLOCATED REMAINING CAPACITY	STATUS OF USER	
LOTS WITH A CAPACITY NEED - ONSITE SEPTIC IN PLACE AT THIS TIME, VACANT LOTS OF RECORD NEAR SEWERS				REDEVELOPED LOTS ARE COVERED UNDER INFILL REQUIRED ALLOCATIONS FOR CAPACITY			
SKUBERA, PETER & VICTORIA	BLK 8 LOT 9.09	3 NITZER AV L	0	300	300	ONSITE SEPTIC	SEWER AVAILABLE
SKENE, WILLIAM & JUDITH	BLK 8 LOT 9.06	6 NITZER AV	0	300	300	ONSITE SEPTIC	SEWER AVAILABLE
SCHWEITZER, DAVID & BARBARA	BLK 8 LOT 9.07	7 NITZER AVE	0	300	300	ONSITE SEPTIC	SEWER AVAILABLE
CHRISTOFF, GEORGE	BLK 8 LOT 9.08	5 NITZER AV	0	300	300	ONSITE SEPTIC	SEWER AVAILABLE
YOUNG, G. AND A.	BLK 2 LOT 5	MAIN STREET - LOCATED OFF I-78	0	300	300	VACANT 0.06 ACRES	
RAPASON KAISER ASSOCIATES LLC	BLK 2 LOT 8	1360-1362 ROUTE 22 EAST	0	300	300	VACANT - LARGE WETLANDS, C-1	EXTENSION REQUIRED
LEBANON ANTIQUE CENTER	BLK 5 LOT 39	1 BLOSSOM HILL ROAD	0	3000	3,000	EXISTING LOT - NEEDS LINE EXTENSION	EXTENSION REQUIRED
FREEDMAN GROUP	BLK 1 LOT 5	PROSTAK LANE	0	2000	2,000	Old Freedman Group Site Plan Area	Sewer in Cokesbury Road
SPENCER FARM - PRESERVED LANDS	BLK 1 LOT 2	VOEGTLEN LANE	PRESERVED FARM WITH COTTAGES, NOT REACHABLE BY SEWER				
BANK OF AMERICA	BL 6 LOT 11	1313 ST HWY 22	0	2,400	2,400	Allocation for subdivision of lot for up to 19k office/retail space	
1391 ROUTE 22 EAST LLC	BLK 2 LOT 3	1382 HWY 22			1,250	SUBJECT TO CAPACITY AGREEMENT/SITE PLAN GLADSTONE EQUITIES	
NJDEEP REQUIRED ALLOCATON OF CAPACITY FOR VACANT LOTS OF RECORD AND/OR EXISTING ONSITE SEPTIC SYSTEM USERS					10,450		
ASSIGNMENTS OF CAPACITY FOR LEBANON BOROUGH SEWERAGE AUTHORITY							
GALLONS PER DAY							
					160,000	80,000	240,000
					ORIGINAL CAPACITY	EXPANSION CAPACITY	TOTAL ASSIGNED/ RESERVED
ENTLY NOT YET USED - BASED UPON OCCUPANCY AND/OR STATUS OF BEING ONLINE OR NO					40,252	35,368	75,620
VACANT LOTS OF RECORD AND/OR EXISTING ONSITE SEPTIC SYSTEMS THAT CAN BE SEWERED					0	10,450	10,450
SEWERAGE AUTHORITY RESERVE FOR INFILL AND RE-DEVELOPMENT OF EXISTING USER SITE					0	4,000	4,000
H (CAPACITY RESERVED FOR LOTS OF RECORD WITH POTENTIAL COAH NEEDS IF DEVELOPED) 12 - 2 bedroom units					0	2,700	2,700
TOTAL OF ASSIGNED CAPACITIES REQUIRING RESERVATION OF CAPACITY					40,252	52,518	92,770
AVERAGE DAILY FLOW FOR 2014-16 - BASED ON ACTIVE DAILY USERS FOR THE PREVIOUS 12 MONTHS MAY 15 2015 APRIL 2016 WITH I & I							134,374
BALANCE OF UNUSED FLOW BASED UPON 12 MONTH AVERAGE							105,626
CURRENT NJDEP THREE MONTH AVERAGE AS OF APRIL 2016							143,622
BALANCE OF UNUSED FLOW BASED UPON CURRENT NJDEP THREE MONTH AVERAGE							96,378
CAPACITY ASSURANCE COMPLIANCE ESTIMATE (80% OF REGULATED FLOWS OF 240,000 GPD)							GPD
COMMITTED REMAINING ALLOCATIONS BASED UPON BOROUGH NEEDS							92,770
BASE FLOW FOR LEBANON BOROUGH - USING WATER CONSUMPTION BILLINGS FROM TOWN OF CLINTON FOR PAST YEAR							116,600
LBSA CURRENT BASE FLOWS + COMMITTED ALLOCATIONS, WITHOUT I & I							209,370
LBSA AVERAGE 12 MONTH FLOWS with varying I & I + REQUIRED ALLOCATIONS							227,144
LBSA 80% CAPACITY LIMIT - START CAPACITY ASSURANCE PROGRAM							192,000
SEWERAGE AUTHORITY PROJECTED NEED FOR INFILTRATION AND INFLOW REDUCTION TO MEET COMPLIANCE - high to low annually 60k gpd							30,630
TOTAL POTENTIAL FLOW INCLUDING ESTIMATED I & I, 2014 WATER USAGE AND REMAINING REQUIRED ALLOCATIONS							240,000
MAXIMUM INFILTRATION AND INFLOW BASED UPON DIFFERENCE IN HIGH AND LOW MONTHS OF FLOW OVER 12 MONTHS							48,902
AVERAGE INFILTRATION AND INFLOW BASED UPON DIFFERENCE BETWEEN LOW MONTH AND AVERAGE OF PREVIOUS 12 MONTHS							12,858
AVERAGE ANNUAL DAILY INFILTRATION AND INFLOW WITH HIGH AND LOW MONTH LEFT OUT							10,539
80% CAP CAPACITY ANALYSIS FOR TWA PERMITTING BASED UPON 3 MOST RECENT MONTHS OF FLOW							60%

APPENDIX C
Planning Area Petition Ordinance



**BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

ORDINANCE NO. 2011-07

**ORDINANCE TO PETITION THE HIGHLANDS COUNCIL FOR PLAN
CONFORMANCE FOR THE PLANNING AREA**

Section 1 Purpose

The Borough of Lebanon is located fully within that portion of the New Jersey Highlands Region defined by the Highlands Act, as the "Planning Area" (see definitions, below). This Ordinance is enacted pursuant to Section 15.a. of the Highlands Water Protection and Planning Act (Highlands Act, N.J.S.A. 13:20-1 et seq.), which provides that a municipality may choose to conform its master plan, development regulations, and other regulations to the provisions of the Highlands Regional Master Plan, with respect to lands located within the Planning Area, and by Ordinance, petition the New Jersey Highlands Water Protection and Planning Council (Highlands Council) for Plan Conformance approval of such planning and regulatory documents.

By adoption of this Ordinance, the Governing Body of the Borough of Lebanon establishes that the municipality shall conform its master plan, development regulations, and all other regulations applicable to the use and development of land within the Planning Area of the municipality, to achieve consistency with the goals, requirements, and provisions of the Highlands Regional Master Plan. Said conformance shall be in accordance with the provisions of Highlands Council approval of the municipality's Petition for Plan Conformance, which was previously submitted to the Highlands Council by Resolution adopted by the Governing Body on November 12, 2009 and which the Highlands Council approved with certain conditions by Highlands Council Resolution No. 2010-10, adopted on November 19, 2010. Further, this Ordinance specifically reserves the rights of the municipality as specified by the Highlands Act, with respect to the voluntary nature of Plan Conformance for the Planning Area.

Section 2 Basis and Background

The Highlands Act finds and declares that protection of the Highlands Region is an issue of State level importance because of its vital link to the future of the State's drinking water supplies and other significant natural resources. The Highlands Act creates a coordinated land use planning system requiring the Highlands Council to prepare and adopt a Regional Master Plan that serves to protect, restore and enhance the significant resources the Highlands Region. The Highlands Act sets forth a bifurcated system for municipal conformance with the goals, requirements and provisions of

Appendix C. Planning Area Peititon Ordinance

the Regional Master Plan. Pursuant to Section 14.a. of the Highlands Act, a municipality located wholly or partially in the Preservation Area was required to submit by December 8, 2009 a revised municipal master plan, development regulations and other regulations, as applicable to the development and use of land in the Preservation Area, to conform them with the Regional Master Plan.

Pursuant to Section 15.a. of the Highlands Act, for a municipality located wholly in the Planning Area or for any portion of a municipality lying within the Planning Area, the municipality may submit at any time a revised master plan, development regulations and other regulations, as applicable to the development and use of land in the Planning Area, that conforms with the Regional Master Plan. Plan Conformance by a municipality is strictly voluntary for lands in the Planning Area.

Consequently, the Borough of Lebanon, having lands in the Planning Area of the Highlands Region, did submit as part of a Petition for Plan Conformance to the Highlands Council on December 7, 2009, proposed revisions to the master plan, development regulations and other regulations that relate to the development and use of land in the Planning Area. On November 19, 2010, the Highlands Council adopted Resolution No. 2010-10 approving the Borough of Lebanon's Petition for Plan Conformance. The approval was conditioned upon the Borough of Lebanon's adoption of an ordinance pursuant to Section 15a of the Highlands Act, formally petitioning the Highlands Council for Plan Conformance for lands within the Planning Area.

Section 3 Applicability

This Ordinance applies to the development and use of land located in the Planning Area of the Borough of Lebanon, as defined by Section 7 of the Highlands Act.

Section 4 Definitions

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Highlands Council – means the New Jersey Highlands Water Protection and Planning Council.

Highlands Act – means the Highlands Water Protection and Planning Act, P.L. 2004, c.120, as amended, codified in part at N.J.S.A. 13:20-1 et seq.

Highlands Region means all that area within the boundaries of the municipalities listed in subsection a. of section 7 of the Highlands Act.

Planning Area - means lands within the Highlands Region not within the Preservation Area (N.J.S.A. 13:20-7).

Plan Conformance – means the process by which a municipality revises the master plan, development regulations and other regulations related to the development and use of land to conform them with the goals, requirements, and provisions of the Regional Master Plan in accordance with the Highlands Plan Conformance Guidelines.

Preservation Area – means that portion of the Highlands Region so designated by subsection b. of section 7 of the Highlands Act.

Regional Master Plan– means the Highlands regional master plan or any revision thereof adopted by the Highlands Council pursuant to N.J.S.A. 13:20-8.

Section 5 Petition for Plan Conformance

The Borough of Lebanon hereby formalizes its Petition for Plan Conformance to the Highlands Council, declaring it fully effective for lands in the Planning Area of the municipality, said Petition having been approved by the Highlands Council subject to the conditions as set forth in Highlands Council Resolution No. 2010-10, adopted on November 19, 2010.

Section 6 Reserved Right of Withdrawal for Planning Area

At any time, the Borough of Lebanon may withdraw its Petition for Plan Conformance for the Planning Area. In such event, any approvals, rejections or conditions of the revised municipal master plan, development regulations or other regulations that pertain to the Planning Area, as set forth by the Highlands Council in approving Resolution No. 2010-10, will not be binding upon the Borough of Lebanon. Any such withdrawal, should it occur, shall require repeal of this Ordinance, and shall be followed by formal notification to the Highlands Council, sent within ten (10) days of adoption by certified mail and including a certified copy of such repealing ordinance.

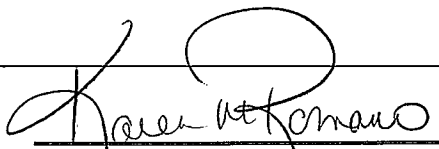
Section 6 Planning Grants and Technical Assistance

Upon application of the Borough of Lebanon, the Highlands Council has made, or will make, grant funding and other financial and technical assistance available to Borough of Lebanon for the reasonable costs associated with the revision of the master plan, development regulations or other regulations, which revisions are designed to bring those plans and regulations into conformance with the Regional Master Plan. The Highlands Council shall provide grant funds for all mandatory aspects of Plan Conformance in accordance with the Plan Conformance Grant Program, and may also provide grant funds for the discretionary aspects of Plan Conformance as determined by the Highlands Council. As Plan Conformance for lands in the Planning Area is strictly voluntary, Borough of Lebanon retains the right to withdraw the Petition relating to lands lying in the Planning Area from the Plan Conformance process at any time.

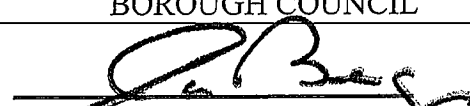
Section 7 Effective Date

This ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

ATTEST:



Karen M. Romano, RMC
Borough Clerk

LEBANON
BOROUGH COUNCIL


Sam Berger, Council President

Vote after public hearing and upon final adoption:

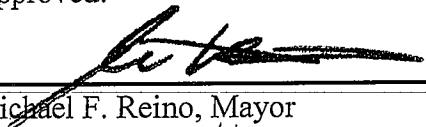
Burton 1
Knoble 0
Schmidt 1
Coyle 1
Pittinger 1
Berger 1

Ordinance approved by the Governing Body
and presented to the Mayor on August 17, 2011

Veto in Whole or Part:

Approved:

Michael F. Reino, Mayor
Date:



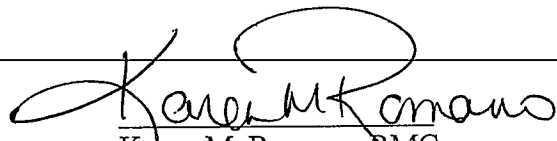
Michael F. Reino, Mayor
Date: 8-17-11

Returned to Borough Clerk with
statement attached on _____

Introduced: July 20, 2011
Adopted: August 17, 2011

NOTICE

TAKE NOTICE that the above ordinance was introduced at a regular meeting of the Borough Council of the Borough of Lebanon on July 20, 2011 and will be considered for final passage after public hearing at a regular meeting of the Borough Council of the Borough of Lebanon to be held on August 17, 2011 at 7:30 p.m. in the Municipal Building, 6 High Street, Lebanon, New Jersey.



Karen M. Romano, RMC
Borough Clerk

APPENDIX D

Highlands Land Use Ordinance Amendments

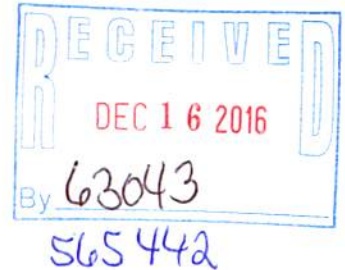


Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

Perryville III Corporate Park
53 Frontage Road, Suite 110
Hampton, NJ 08827
T: 908.238.0900
F: 908.238.0901
www.maserconsulting.com

December 13, 2016

Keri Green, Borough Liaison
New Jersey Highlands Council
100 North Road
Chester, NJ 07930



Re: Highlands Referral Ordinance
Borough of Lebanon
Deliverable
MC Project No. LEB-004

Dear Ms. Green:

The Borough of Lebanon has reviewed and adopted the Highlands Referral Ordinance. On October 19, 2016 the Planning Board held a joint meeting with the Council. During this meeting the Council held First Reading of the Ordinance and the Planning Board deemed the Ordinance consistent with the Master Plan. On November 22, 2016 the Council held Second Reading and adopted Ordinance 2016-04. Enclosed herewith please find the following:

1. Ordinance 2016-04
2. Notice of Ordinance Adoption

If you have any questions or require clarifications regarding the enclosed documents, please do not hesitate to call my office.

Very truly yours,

MASER CONSULTING P.A.

A handwritten signature in blue ink that reads 'Darlene A. Green'.

Darlene A. Green, P.P., AICP
Borough Planner

DAG:dc

cc: Karen Romano, Borough Administrator/Clerk

R:\Projects\LEB\LEB-004\Correspondence\OUT\161213_dag_Green_Referral Ord.docx

**BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

ORDINANCE NO. 2016-04

**AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE
BOROUGH OF LEBANON TO UPDATE SUBMISSION REQUIREMENTS FOR
APPLICATIONS FOR DEVELOPMENT**

WHEREAS, the Highlands Water Protection and Planning Act (“Highlands Act,” N.J.S.A. 13:20-1 et seq.) was enacted by the State Legislature on August 10, 2004 for the purpose of protecting, enhancing, and restoring the natural resources of the New Jersey Highlands Region, in particular the water resources, which provide drinking water to over 5 million New Jersey residents; and

WHEREAS, the Highlands Act created the Highlands Water Protection and Planning Council (the “Highlands Council”) and charged it with crafting a comprehensive master plan for the New Jersey Highlands Region; and

WHEREAS, the Highlands Regional Master Plan was adopted by the Highlands Council through the adoption of Resolution 2008-27 on July 17, 2008, and became effective on September 8, 2008 as the product of a long-term, participatory, and region-wide planning effort; and

WHEREAS, Resolution 2008-27 included the adoption of Highlands Regional Master Plan as well as the adoption of various technical reports and guidelines that accompanied the Plan including the 2008 Plan Conformance Guidelines; and

WHEREAS, the Plan Conformance Guidelines provide an overview of the Highlands Act’s bifurcated system for municipal conformance with the Highlands Regional Master Plan – mandatory Plan Conformance for any portion (or if applicable, the whole) of a municipality located within the Preservation Area and voluntary Plan Conformance for any portion (or if applicable, the whole) of a municipality lying within the Planning Area; and

WHEREAS, Section 15 of the Highlands Act provides for voluntary Plan Conformance where any municipality located wholly or partially in the Planning Area may at any time voluntarily revise and conform its local master plan and development regulations, as related to the development and use of land in the Planning Area, with the goals, requirements and provisions of the Regional Master Plan; and

WHEREAS, the Plan Conformance Guidelines detail the requirements for Plan Conformance including amendments to both the State’s and Borough’s Environmental Resource Inventories, Master Plan, and Land Use Ordinance, which together are intended to

achieve conformance with the Regional Master Plan and provide immediate protections to vital Highlands Resources; and

WHEREAS, the Plan Conformance Guidelines require conforming municipalities to adopt Initial Revisions as a first step of Plan Conformance; the initial revisions are revisions of the existing master plan and development regulations which are deemed necessary by the Highlands Council for prompt enactment by a petitioning local government in order to ensure the protection and enhancement of the resources of the Highlands Region; and

WHEREAS, the Plan Conformance Guidelines include the adoption of a Development Application Referral Ordinance as an Initial Revision in order to ensure that any Application for Development not be deemed complete until such time as certain documents have been submitted by the Applicant and to ensure that Applications for Development are consistent or revised to be consistent with the Regional Master Plan; and

WHEREAS, the Borough of Lebanon is located in the Highlands Region with lands lying within the Planning Area only, as defined by section 7 of the Highlands Act; and

WHEREAS, the Governing Body of the Borough of Lebanon has, on behalf of the municipality, petitioned the Highlands Council for Plan Conformance with respect to Borough lands located within the Planning Area portion of the Highlands Region; and

WHEREAS, the Petition filed with the Highlands Council contains proposed amendments to the municipal planning program, including amendments to the Environmental Resource Inventory, Master Plan, and Land Use Ordinance, which together are intended to achieve conformance with the Regional Master Plan and provide immediate protections to vital Highlands Resources located within the Borough; and

WHEREAS, the Governing Body finds that the proposed changes to the municipal planning program are of broad and significant effect, are vital to the protection of the Highlands resources of the municipal Highlands Area, and are compelling to the interests and general welfare of the community; and

WHEREAS, the Governing Body recognizes that the formal municipal adoption of each component of the revised planning program must take place, in sequential order in accordance with all statutory requirements, involving public hearings and deliberation by the Environmental Commission, Planning Board, and Governing Body; a process that will require an additional undetermined period of time; and

WHEREAS, the Governing Body is aware that lands within the Planning Area are not regulated by the New Jersey Department of Environmental Protection's Preservation Area Rules (N.J.A.C. 7:38-1 et seq.) and, with the exception of Wastewater Management Plans and Water Allocation Permits, would remain without the full suite of Highlands Regional Master Plan protections during the interim period between the date of filing of the Petition for Plan Conformance and the adoption of ordinances and regulations that will provide such protections; and

WHEREAS, an immediate level of protection to the resources located within the Highlands Region by adoption of revised submission requirements pertinent to Applications for Development therein is required by the Plan Conformance Guidelines; and

WHEREAS, the adoption of revised submission requirements pertinent to Applications for Development therein is essential to ensuring that Applicants achieve compliance with the standards and protections required under the Highland Regional Master Plan despite the interim status of the municipal Plan Conformance ordinances and regulations, this interim period not constituting an appropriate instance in which municipal approvals based upon existing municipal regulatory requirements, can appropriately be issued conditioned upon subsequent approval by the Highlands Council, as may occur under usual circumstances; and

WHEREAS, the Governing Body finds that the adoption of such submission requirements are important not only to provide such immediate resource protections, but to ensure the proper management of Applications for Development involving lands within the municipality; and

WHEREAS, the Highland Council deems the immediate protections ascribed by this Ordinance to lands in the Planning Area, which include the whole of the municipality, eligible for application of the provisions of the Highlands Act at N.J.S.A. 13:20-22 and N.J.S.A. 13:20-24 regarding legal representation to municipalities filing for Plan Conformance and regarding the strong presumption of validity and extraordinary deference afforded to such ordinances;

WHEREAS, the Highlands Act was adopted to assure the protection of a municipal water resource, any outside agency of the municipality shall be required to purchase that resource at an agreed to rate to offset costs to that water resource municipality.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Lebanon that the Land Use Ordinance of the Borough of Lebanon be and is hereby amended to incorporate the following provisions in a new Article, Article 21:

21.01 APPLICABILITY

This Ordinance shall apply to any Application for Development involving lands located within (or partially within) the Borough Highlands Area (as illustrated in Exhibit 1, "Borough of Lebanon Highlands Area") that seeks approval of a site plan, subdivision, or change in use, where approval of such Application would: a) result in the ultimate disturbance of one (1) acre or more of land; b) produce a cumulative impervious surface area of one-quarter (1/4) acre, or more; c) in the case of residential development, create three or more dwelling units; or d) introduce or expand on any of the following land uses/facilities:

- A. Landfills;
- B. Permanent storage or disposal of hazardous wastes, industrial or municipal sludge or radioactive materials, including solid waste landfills;

- C. Collection and transfer facilities for hazardous wastes, solid wastes that contain hazardous materials, and radioactive materials;
- D. Industrial treatment facility lagoons; or
- E. Any Major or Minor Potential Contaminant Source (as identified in Appendix A and Appendix B of this Ordinance, respectively) on lands located within 200 feet of the wellhead of any public community well or public non-community well, as these are defined at Section 4 below.

For purposes of this Ordinance, the phrases "Application for Development," "Highlands Area," "residential development," "ultimate disturbance," and "cumulative impervious surface area" shall be defined as provided at Section 4 below.

21.02 ADMINISTRATIVE COMPLETENESS

A. CONSISTENCY DETERMINATIONS REQUIRED. No Application for Development included in Section 1 above, shall be deemed complete or considered for review by the applicable Borough land use Board until and unless the Applicant has obtained and provided a copy of:

1. A Consistency Determination from the Highlands Council indicating that the application is consistent with the Highlands Regional Master Plan; or
2. A Consistency Determination from the Highlands Council indicating that the application is not consistent with the Highlands Regional Master Plan, accompanied by a certification, as detailed in Section 1.B below, by the Applicant's professional(s) that the application has been since review by the Highlands Council revised to achieve consistency with the Highlands Regional Master Plan.

B. FINDINGS OF INCONSISTENCY. Where a Highlands Council Consistency Determination indicates that an Application for Development is inconsistent with the Highlands Regional Master Plan, no such application shall be deemed complete or considered for review by the applicable Borough land use Board, until or unless the Applicant has obtained from the professional(s) responsible for preparation of the Applicant's plans, a certification indicating that to the best of the knowledge and abilities of such professional(s), the application has been revised to achieve consistency with the Highlands Regional Master Plan and specifically describing the revisions made to achieve such consistency.

C. COMPLETENESS WAIVER. The Borough may issue a waiver from the provisions of this Section where it can be established by the Applicant and can be verified by the designated representative(s) of the Borough that:

1. The activity, improvement or development proposed by the subject Application for Development has not yet been formally determined to be exempt from the Highlands Act (see Section 3.B, below), but eligibility for an exemption has been sufficiently established by the Applicant; or
2. The activity, improvement or development proposed in the Application

for Development will neither encroach upon a Highlands Resource or Highlands Resource Area, nor be of detrimental impact to any Highlands resource or Highlands Resource Area as these are identified and delineated in the Highlands Regional Master Plan. The Applicant's professional(s) responsible for preparation of the Applicant's plan shall establish compliance of the above through a formal certification specifically addressing the Highlands Resources and Resource Areas and related policies and objectives as identified in Chapter 4 of the Highlands Regional Master Plan.

D. HIGHLANDS COUNCIL CALL-UP. All municipal waivers or findings of application completeness issued pursuant to this Section shall be issued in writing, inclusive of a statement indicating the rationale for the determination. All such determinations shall be subject to Highlands Council call-up review and shall specifically include conditions requiring same consistent with this paragraph. The municipality shall within five (5) calendar days of issuance of all such determinations, provide a copy of the decision to the Applicant and to the Highlands Council. The Highlands Council call-up review period shall expire 15 calendar days following its receipt of same. Upon determining to exercise this authority for call-up review, the Highlands Council shall transmit notice to the Applicant and the municipality. Absent any such notification from the Highlands Council within that timeframe, the application shall be considered complete, with the date of the waiver or application completeness to be as of the date of first issuance by the municipality.

21.03 EXCLUSIONS AND EXEMPTIONS

A. EXCLUSIONS. The following specific improvements and related applications shall be excluded from the provisions of this Ordinance:

1. The reconstruction, within the same footprint, of any building or other structure lawfully existing as of the effective date of this Ordinance, in the event of its destruction or partial destruction by fire, storm, natural disaster, or any other unintended circumstance.
2. Any improvement or alteration to a building or other structure lawfully existing as of the effective date of this Ordinance, where such improvement or alteration is necessary for compliance with the provisions of the Americans with Disabilities Act, or to otherwise provide accessibility to the disabled.
3. Any Agricultural or Horticultural Use or Development that would not result in either:
 - a. An increase, since the date of enactment of the Highlands Act (August 10, 2004), either individually or cumulatively, of new agricultural impervious cover of greater than three percent (3%) to the total land area of a Farm Management Unit. Solar panels shall not be included in any calculation of agricultural impervious cover (all terms as defined in Section 4, below); or
 - b. Construction of three (3) or more residential dwelling units (including accessory dwelling units) served by individual on-site septic system(s).

B. EXEMPTIONS. Any activity, improvement or development project listed and demonstrated to constitute a Highlands 6. Act exemption shall be exempt from the

provisions of this Ordinance. Formal demonstration of a Highlands Act exemption for an Application for Development involving lands located (or partially located) in the Highlands Area shall consist of the following:

1. *State Agency Determination.* State Agency Determinations shall consist of a Highlands Exemption Determination issued by the Highlands Council indicating that the proposal qualifies as a Highlands Act Exemption.

21.04 DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

Agricultural or Horticultural Development – means construction for the purposes of supporting common farmsite activities, including but not limited to, the production, harvesting, storage, grading, packaging, processing, and the wholesale and retail marketing of crops, plants, animals, and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease, and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing.

Agricultural or Horticultural Use – means the use of land for common farmsite activities, including but not limited to, the production, harvesting, storage, grading, packaging, processing, and the wholesale and retail marketing of crops, plants, animals, and other related commodities and the use and application of techniques and methods of soil preparation and management, fertilization, weed, disease, and pest control, disposal of farm waste, irrigation, drainage and water management, and grazing.

Agricultural Impervious Cover – means agricultural or horticultural buildings, structures or facilities with or without flooring, residential buildings and paved areas, but not meaning temporary coverings.

Applicant – means a developer submitting an Application for Development.

Application for Development – means the application form and all accompanying documents required by ordinance for approval of a subdivision plat, site plan, planned development, conditional use, zoning variance, or direction of the issuance of a permits pursuant to section 25 or section 27 of P.L.1975, c.291 (C.40:55D-34 or C.40:55D-36).

Disturbance – means the placement of impervious surface, the exposure or movement of soil or bedrock, or the clearing, cutting, or removing of vegetation.

Disturbance, Ultimate – means the total existing or proposed area of disturbance of a lot, parcel, or other legally designated (or otherwise legally recognized) tract or subdivision of land, for the purpose of, and in connection with, any human activity, property improvement,

or development, including the surface area of all buildings and structures, all impervious surfaces, and all associated land disturbances such as excavated, filled, and graded areas, and all lawn and landscape areas. Ultimate disturbance shall not include areas of prior land disturbance which at the time of evaluation: a) contain no known man-made structures (whether above or below the surface of the ground) other than such features as old stone rows or farm field fencing; and b) consist of exposed rock outcroppings, or areas which, through exposure to natural processes (such as weathering, erosion, siltation, deposition, fire, flood, growth of trees or other vegetation) are no longer impervious or visually obvious, or ecologically restored areas which will henceforth be preserved as natural areas under conservation restrictions.

Farm Management Unit – means a parcel or parcels of land, whether contiguous or noncontiguous, together with agricultural or horticultural buildings, structures and facilities, producing agricultural or horticultural products, and operated as a single enterprise.

Highlands Council – means the New Jersey Highlands Water Protection and Planning Council.

Highlands Act – means the Highlands Water Protection and Planning Act, P.L. 2004, c.120, as amended, codified in part at N.J.S.A. 13:20-1 *et seq.*

Highlands Area – means that portion of the municipality for which the land use planning and regulation are in conformance with, or are intended or proposed to be in conformance with, the Highlands Regional Master Plan.

Highlands Region – means all that area within the boundaries of the municipalities listed in subsection a. of section 7 of the Highlands Act.

Impervious Surface – means any structure, surface, or improvement that reduces or prevents absorption of stormwater into land, including, but not limited to, porous paving, paver blocks, gravel, crushed stone, decks, patios, elevated structures, and other similar structures, surfaces, or improvements.

Impervious Surfaces, Cumulative – means the total area of all existing or proposed impervious surfaces situated or proposed to be situated within the boundary lines of a lot, parcel, or other legally recognized subdivision of land, expressed either as a measure of land area such as acreage, or square feet, or as a percentage of the total lot or parcel area.

Major Potential Contaminant Sources (PCS) – means land uses and activities determined by the Highlands Council to pose a major risk of ground water contamination (see Appendix A).

Minor Potential Contaminant Sources (PCS) – means land uses and activities determined by the Highlands Council to pose a minor risk of ground water contamination (see Appendix B).

Municipal Land Use Law (MLUL) – means the New Jersey Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*

NJDEP – New Jersey Department of Environmental Protection

Planning Area – means lands within the Highlands Region not within the Preservation Area (N.J.S.A. 13:20-7).

Plan Conformance – means the process by which a municipality revises the master plan, development regulations and other regulations related to the development and use of land to conform them with the goals, requirements, and provisions of the Regional Master Plan in accordance with the Highlands Plan Conformance Guidelines.

Preservation Area – means that portion of the Highlands Region so designated by subsection b. of section 7 of the Highlands Act.

Public Community Well – means a well that provides water to a public water system serving at least 15 service connections used by year-round residents or regularly serving at least 25 year-round residents.

Public Non-Community Well – means a well that is not a public community well and that provides water to a public water system regularly serving at least 25 individuals for at least 60 days in any given calendar year.

Regional Master Plan (RMP) – means the Highlands Regional Master Plan or any revision thereof adopted by the Highlands Council pursuant to N.J.S.A. 13:20-8.

Solar Panel – means an elevated panel or plate, or a canopy or array thereof, that captures and converts solar radiation to produce power, and includes flat plate, focusing solar collectors, or photovoltaic solar cells and excludes the base or foundation of the panel, plate, canopy, or array. (As defined by the Highlands Act, N.J.S.A. 13:20-1 *et seq.*, as amended.)

Structure – means a combination of materials to form a construction for occupancy, use or ornamentation whether installed on, above, or below the surface of a parcel of land.

SEVERABILITY

If any portion, paragraph, clause, sentence or phrase of this Ordinance is determined to be invalid by any court of competent jurisdiction, such invalidity shall not affect the remaining portions of this Ordinance.

REPEALER

All ordinances or parts thereof inconsistent herewith are hereby repealed to the extent of such inconsistency only.

EFFECTIVE DATE

This Ordinance shall take effect after final passage and publication in the manner prescribed by law.

APPENDIX A. MAJOR POTENTIAL CONTAMINANT SOURCES

Land uses and activities determined by the Highlands Council (based on New Jersey Safe Drinking Water Act regulations at N.J.A.C. 7:10 and NJDEP regulations) to be Major Potential Contaminant Sources include those listed below.

1. Underground fuel and chemical storage and oil tanks regulated by NJDEP under provisions of the Underground Storage of Hazardous Substances Act (N.J.S.A. 58:10A21 et seq.).
2. Above-ground storage facility for a hazardous substance or waste with a cumulative capacity greater than 2,000 gallons.
3. Automotive service center (repair & maintenance).
4. Dry cleaning processing facility.
5. Road salt storage facility.
6. Cemetery.
7. Highway maintenance yard.
8. Truck, bus, locomotive maintenance yard.
9. Site for storage and maintenance of heavy construction equipment and materials.
10. Site for storage and maintenance of equipment and materials for landscaping, excluding household storage and maintenance of such equipment.
11. Livestock operation containing 300 or more Animal Units (AU) [1 AU= 1000 pounds of live animal weight] as defined by the NJ Department of Agriculture in its Criteria and Standards for Animal Waste Management, at NJAC 2:91.
12. Quarrying and/or mining facility.
13. Asphalt and/or concrete manufacturing facility.
14. Junkyard/auto recycling and scrap metal facility.
15. Residential or agricultural motor fuel in NJDEP exempted underground storage tanks (i.e., under 1,000 gallons).

APPENDIX B. MINOR POTENTIAL CONTAMINANT SOURCES

Land uses and activities determined by the Highlands Council (based on New Jersey Safe Drinking Water Act regulations at N.J.A.C. 7:10 and NJDEP regulations) to be Minor Potential Contaminant Sources include the following:


1. Underground storage of hazardous substance or waste of less than 50 gallons.
2. Underground heating oil storage tank with a capacity of less than 2,000 gallons.
3. Sewage treatment facility regulated by a NJPDES permit granted under NJAC 7:14A.
4. Industrial waste line.
5. Septic system disposal field.
6. Facility requiring a ground water discharge permit issued by the NJDEP pursuant to N.J.A.C 7:14A et seq.
7. Stormwater retention-recharge basin on an industrial property receiving runoff from surfaces other than roof areas.
8. Dry well on an industrial property receiving runoff from surfaces other than roof areas.
9. Waste oil collection, storage and recycling facility.
10. Agricultural chemical bulk storage and mixing or loading facility including crop dusting facilities.
11. Above-ground storage of hazardous substance or waste in quantities of less than 2,000 gallons.
12. Livestock operation containing 8 or more Animal Units (AU) [1 AU= 1000 pounds of live animal weight] or those receiving 142 or more tons of animal waste per year as defined by the NJ Department of Agriculture pursuant to its Criteria and Standards for Animal Waste Management, at NJAC 2:91.

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Michael Reino, Mayor

ATTEST:



Karen M. Romano
Borough Administrator/ Clerk

Vote after public hearing and upon final adoption:

Berger 1 Ordinance approved by the Governing Body and presented
to the Mayor on _____, 2016
Burton 1
Junge 1
Knoble 1
Pittinger 0
Schmidt 1

Veto in Whole or Part

Michael Reino, Mayor

Date:

Approved:



Michael Reino, Mayor

Date: 11/22/16

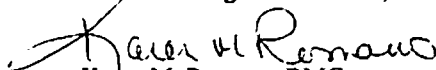
Returned to Borough Clerk with statement attached on _____, 2016

**BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

ORDINANCE NO. 2016-04

**AN ORDINANCE AMENDING THE LAND USE ORDINANCE OF THE
BOROUGH OF LEBANON REGARDING REQUIREMENTS FOR
APPLICATIONS FOR DEVELOPMENT**

NOTICE is hereby given that the above Ordinance was introduced and passed on first reading at a meeting of the Borough Council of the Borough of Lebanon, in the County of Hunterdon, State of New Jersey, held in the Municipal Building on the 19th day of October 2016, and the same came up for final passage at a meeting of the said Borough Council on the 21st day of November 2016 at which time, after persons interested were given an opportunity to be heard concerning said ordinance, the same was passed and will be in full force in the Borough according to law by order of the Borough Council of the Borough of Lebanon, County of Hunterdon and State of New Jersey.


Karen M. Romano, RMC
Borough Administrator/ Clerk

INTRODUCED: October 19, 2016

ADOPTED: November 22, 2016

**BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

**ORDINANCE NO. 2016-04
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**Karen M. Romano, FIMC
Borough Administrator/ Clerk
INTRODUCED: October 19, 2016
ADOPTED: November 22, 2016**

(Prt's fee \$26.48) 12/08/16

APPENDIX E
Select List of Highlands Goals,
Policies, and Objectives

Appendix E. Select List of Highlands Goals, Policies, and Objectives:

Objective 1A2d: To prohibit through Plan Conformance, local development review and Highlands Project Review the expansion or creation of public water supply systems or public wastewater collection and treatment systems or community-based on-site wastewater facilities into forested areas of the Forest Resource Area within the Planning Area except as provided for in Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and within the Preservation Area except as provided for in Policy 2I1 and Objectives 2I1a and 2I1b.

Objective 1L6b: Septic systems and cesspools on small lots in close proximity to lakes shall be replaced with upgraded individual treatment systems, communal septic systems or community-based wastewater systems wherever feasible and cost-effective, with the selection of replacement technology to ensure minimal secondary impacts, including potential reductions in net water availability, maximum environmental benefit, and financial viability. Community-based systems should not provide for additional land development capacity except for exempt lots within that existing lake community that are not environmentally constrained, or for areas that are otherwise permitted to have wastewater service under the Goals, Policies, and Objectives in Part 2, Subpart D, Sustainable Development, and Water Resources.

Policy 2B6: To require through Plan Conformance (including through a Water Use and Conservation Plan developed under Objective 2B8c), local development review, Highlands Project Review, and interagency coordination that proposed public water supply and wastewater service areas, new or increased water allocations and bulk water purchases will not directly or indirectly cause or contribute to a Net Water Availability deficit, and where feasible will help mitigate any existing deficit.

Objective 2B6a: Areawide Water Quality Management Plans (WQMPs), Wastewater Management Plans (WMPs) or their amendments shall ensure that the proposed service area will not directly or indirectly cause or contribute to a Net Water Availability deficit, and shall be in conformance with any Water Use and Conservation Plan developed under Objective 2B8c.

Objective 2B8e: Allow water resource transfers between or from Highlands subwatersheds only when there is no other viable alternative and where such transfers would demonstrably not result in impairment of resources in any subwatershed. Potential effects on upstream and downstream subwatersheds should be included in any such evaluation.

Objective 2D4e: Prohibit through Plan Conformance, local development review and Highlands Project Review the expansion or creation of public water supply systems or public wastewater collection and treatment systems or community-based on-site wastewater facilities into a Prime Ground Water Recharge Area within the Protection or Conservation Zone within the Planning Area except as provided for in Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and within the Preservation Area except as provided for in Policy 2I1 and Objectives 2I1a and 2I1b.

Objective 2G3c: WQMPs, WMPs or amendments shall demonstrate that the proposed service area will not directly or indirectly support development that would be in violation of an adopted TMDL.

Objective 2H5d: Amend Areawide WQMPs or WMPs for conforming municipalities and counties to ensure that any activity associated with the proposed service area will not adversely affect a Wellhead Protection Area.

GOAL2I: Limitation of the expansion of water and wastewater infrastructure in the preservation area.

Policy 2I1: To prohibit the expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area unless approved through a Highlands Applicability Determination (HAD) or a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1.

Objective 2I1a: Designated sewer service areas in the Preservation Area shall be restricted to the Existing Area Served as of August 10, 2004, except to serve development that is approved through a HAD or a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1.

Objective 2I1b: The expansion or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities in the Preservation Area as approved through a HPAA with waiver pursuant to N.J.A.C. 7:38 and Policy 7G1 shall maximize the protection of sensitive environmental resources including avoidance of Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of Agricultural Resource Areas (ARAs), Steep Slopes, Prime Ground Water Recharge Areas, and Critical Habitat.

Policy 2I2: To identify through Plan Conformance and Highlands Redevelopment Area designation procedures those lands of the Preservation Area that may be appropriate for the extension or creation of public water supply systems, public wastewater collection and treatment systems and community on-site treatment facilities for redevelopment that would meet the waiver requirements of N.J.A.C. 7:38 and Policy 7G1.

Policy 2J5: To prohibit, through local development review and Highlands Project Review, new or increased water resource transfers between subwatersheds unless it is demonstrated that no other option exists to meet public health, safety and welfare objectives and where such transfers do not result in impairment of resources in the subwatershed from which water is proposed to be transferred.

Policy 2K1: To establish and maintain an inventory of Highlands public wastewater management infrastructure, including developed parcels with current connections to existing utility service areas.

Objective 2K1a: The development and maintenance of an inventory of Existing Areas Served.

Objective 2K1b: The development and maintenance of an inventory of the service areas and capacity of Highlands Domestic Sewerage Facilities.

Objective 2K1c: The development of an estimated Available Wastewater Treatment Capacity for each Highlands Domestic Sewer Facility.

Objective 2K1d: The identification of remaining available wastewater treatment capacity to support regional growth opportunities within the Highlands Region.

Policy 2K3: To provide adequate, appropriate, efficient and cost-effective wastewater management to all development in the Highlands Region, through Plan Conformance, local development review, and Highlands Project Review.

Objective 2K3a: Areawide WQMPs, including WMPs and project-specific amendments, shall be examined for consistency with requirements of this Plan. The Highlands Council shall prepare and transmit to NJDEP consistency determinations for these amendments prior to the NJDEP decision in accordance with N.J.A.C. 7:38-1.1 and N.J.A.C. 7:15.

Objective 2K3b: Existing wastewater collection and treatments systems which are non-compliant with state water quality standards for wastewater treatment and effluent discharge shall be prohibited from collecting and treating additional wastewater until the treatment systems are fully compliant with State permit requirements.

Objective 2K3c: Prohibit new, expanded, or extended public wastewater collection and treatment systems and community on-site treatment facilities within the Protection Zone, the Conservation Zone, and the Environmentally-Constrained Sub-zones of the Planning Area unless they are shown to be necessary for and are approved by the Highlands Council for one or more of the purposes listed below. For approvals regarding parts 1, 2, and 3, the project must maximize the protection of sensitive environmental resources such as Highlands Open Waters buffer areas, Riparian Areas, the forested portion of the Forest Resource Area, agricultural lands of ARAs, Steep Slopes, Prime Ground Water Recharge Areas and Critical Habitat. For approvals regarding part 3, the project must avoid disturbance of Highlands Open Waters buffer areas, Riparian Areas, Steep Slopes and Critical Habitat, and must minimize disturbance of the forested portion of the Forest Resource Area, agricultural lands of ARAs, and Prime Ground Water Recharge Areas. The choice of extension or creation of systems shall follow the requirements in Objective 2K3d (2 and 3). The applicable purposes are:

1. To address through a waiver under Policy 7G1 or 7G2 a documented existing or imminent threat to public health and safety from a pattern of failing septic systems (where the failing systems cannot reasonably be addressed through rehabilitation or replacement) or highly concentrated septic systems, where the threat is of sufficient scale to justify a public wastewater collection and treatment system or community on-site treatment facility and where no alternative is feasible that would sufficiently assure long-term protection of public health and safety. To address other issues of public health and safety, such needs shall have highest priority for allocation of existing system capacity;
2. To address development permitted through a Highlands Redevelopment Area or takings waiver under Policy 7G1 or 7G2; or
3. To serve a cluster development that meets all requirements of Objective 2K3d.

Objective 2K3d: Clustered development served by a public wastewater collection and treatment system or community on-site treatment facility within the Protection Zone, the Conservation Zone, and the Environmentally-Constrained Sub-zones of the Planning Area shall be approved only if the following conditions are met:

1. The development impacts are otherwise consistent with the requirements of the RMP, including provisions for mandatory clustering in ARAs pursuant to Policy 3A5;
2. Extension of an existing public wastewater collection and treatment system will occur only where the cluster development is within or immediately adjacent to an Existing Area Served with available capacity;
3. Creation of a community on-site treatment facility will occur only where such development is not within or immediately adjacent to an Existing Area Served with available capacity, where the proposed system is designed, permitted, and constructed at a capacity limited to the needs of the clustered development, and where the system does not create the potential for future expansion into areas that are not the subject of cluster developments immediately adjacent to the initial cluster served;

Objective 2K3e: Allow the expansion or creation of wastewater collection systems within the ECZ of the Planning Area, other than the Environmentally-Constrained Sub-zone, to serve lands which are appropriate for designated TDR Receiving Zones, infill or redevelopment, to meet needs and protection requirements equivalent to those provided at Objective 2K3c within the ECZ, or to serve new areas for development that meet all other requirements of the RMP. The highest priority for allocation of excess or additional wastewater treatment capacity is to areas where there are clusters of failed septic systems that are located within or adjacent to Existing Areas Served. TDR Receiving Areas, where designated, affordable housing projects (where the affordable units exceed 10% of the total units), infill and redevelopment shall have higher priority for capacity than other developments requiring expansion of sewer service areas.

Objective 2K3f: All development within the Highlands Region, in areas which are not served by public wastewater collection and treatment system or community on-site treatment facility, shall be at a density that can be supported by septic systems under Goal 2L. Where cluster development in the Protection Zone, the Conservation Zone, and the Environmentally-Constrained Sub-Zones of the Planning Area shall be served by on-site wells, and the undeveloped land is preserved for agricultural purposes in perpetuity, the cluster development and the Agriculture Retention/Farmland Preservation Plan required by Objective 2K3d in combination shall include provisions for best management practices that protect the on-site wells from contamination resulting from agricultural practices and shall include provisions to minimize or reduce net pollutant loadings from the total cluster project area including the preserved agricultural lands.

GOAL 2L: Ensure that on-site wastewater system discharges do not exceed the natural capacity of ground water to attenuate loadings, exacerbate existing nitrate impairment, or contribute to potential nitrate impairment for subwatersheds of the highlands region.

Policy 2L1: To use nitrate concentrations in ground water as an indicator of water quality, and to use nitrate dilution modeling as the primary method for assessing the carrying capacity of lands for development that relies on septic systems for wastewater treatment.

Objective 2L1a: Determine background median concentrations of nitrate in ground water by HUC14 subwatershed.

Objective 2L1b: Identify the factors affecting the suitability of densities for development that relies on septic systems for wastewater treatment.

Objective 2L1c: Develop appropriate protection measures to minimize contamination of ground water from septic systems.

Objective 2L1d: Develop drought ground water recharge estimates by HUC14 subwatershed for use in the NJDEP nitrate dilution model.

Policy 2L2: To use the median background nitrate concentrations in ground water in the Highlands Region as a basis for establishing on-site wastewater treatment densities through Plan Conformance, local development review, and Highlands Project Review.

Objective 2L2a: Use the median concentrations of nitrate in ground water for Planning Area HUC14 subwatersheds where the Protection Zone is predominant as the nitrate target for new development reliant on septic systems within the Protection Zone. The median is 0.72 mg/L.

Objective 2L2b: Use the median concentrations of nitrate in ground water for Planning Area HUC14 subwatersheds where the Conservation Zone is predominant as the nitrate target for new development reliant on septic systems within the Conservation Zone. The median is 1.87 mg/L.

Objective 2L2c: Use the NJDEP Highlands Preservation Area rules and nitrate thresholds for the Preservation Area.

Objective 2L2d: Use a nitrate target of 2 mg/L for the Existing Community Zone within Planning Area, on a project-by-project basis, where new development will rely on septic systems.

Objective 2L2e: New residential development using septic systems where clustering or conservation design techniques are employed shall have a gross density (for all parcels involved in the development proposal) based on the nitrate dilution target appropriate for the Land Use Capability Zone, but with the density for the developed portion of the site based on a nitrate dilution target not to exceed 10 mg/L or any more stringent requirement as required by N.J.A.C. 7:15.

Objective 2L2f: Carrying capacity shall be documented through the Land Use Capability Septic System Yield Map as the number of allowable septic systems per Conservation and Protection Zone for each HUC14 subwatershed, taking into account the nitrate target, the HUC14 subwatershed drought ground water recharge, and the acreage that is privately owned, undeveloped or underdeveloped, and not preserved.

Objective 2L2g: New residential development utilizing septic systems shall be designed in a manner that ensures that the untreated well water meets the State drinking water quality standards and that minimizes the risk of well contamination due to the flow of septic system plumes within or between developed lots, addressing general ground water flow patterns,

major fracture systems and other appropriate geological, geophysical, and hydrogeological issues.

Policy 2M2: To develop appropriate and innovative resource management programs to protect, restore, and enhance subwatersheds where existing ground water quality is impaired.

Objective 2M2a: Identify innovative technologies that may be appropriate for the design, installation, and maintenance of on-site wastewater treatment systems to minimize impairment to ground water or surface water quality due to elevated nitrate concentrations and other pollutant loads from septic systems provided the systems meet the minimum standards of N.J.A.C 7:9A.

Policy 3C1: To prohibit through Plan Conformance, local development review and Highlands Project Review the development of additional water and wastewater infrastructure in a ARA within the Conservation and Protection Zones of the Planning Area, unless they meet the requirements of Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and will maximize the preservation of agricultural lands within the ARA.

Policy 6B2: To limit use and development of land in Protection Zone through appropriate policies regarding resource protection, septic system densities, water supply and wastewater utilities and water availability.

Objective 6H1b: Prevent the extension or creation of water and wastewater utility services in the Protection Zone, Conservation Zone, and Environmentally Constrained Sub-Zones of the Planning Area, unless they meet the requirements of Policy 2J4 with Objectives 2J4a through 2J4d, and Policy 2K3 with Objectives 2K3a through 2K3e, and will maximize the protection of agricultural and environmentally sensitive resources.

Policy 7G1: For the Preservation Area, coordinate with NJDEP during Highlands permit review for any major Highlands development including the review of waivers on a case-by-case basis: 1) if determined to be necessary in order to protect public health and safety; 2) for redevelopment in certain previously developed areas as identified by the Highlands Council, or 3) in order to avoid the taking of property without just compensation.

Policy 7G2: For both the Preservation Area and the Planning Area, a waiver may be issued by the Highlands Council on a case-by-case basis from the requirements of the RMP or any amendments to a master plan, development regulations, or other regulations adopted by a local government unit specifically to conform them with the RMP: 1) if determined to be necessary in order to protect public health and safety; 2) for redevelopment in certain previously developed areas as identified by the Highlands Council, or 3) in order to avoid the taking of property without just compensation. Any waiver issued shall be conditioned upon a determination that the proposed development meets the requirements prescribed for a finding as listed in Section 36.a of the Highlands Act to the maximum extent possible.

APPENDIX F

Highlands Technical Method for WMP Build-Out Analysis

Highlands Technical Method for WMP Build-Out Analysis

The Wastewater Management Plan (WMP) build-out analysis is based on available information from the Highlands Region composite zone data, property class information, the [Highlands Regional Build-Out Technical Report](#), and municipally available data. Residential building units and commercial building square footage are calculated by adding the following composite zone information to the available 2015 parcel information: the designated zone, BODUACRE¹, BOFAR², efficiency factor, and average household size (see attached table). The Highlands Council did not take into consideration the possibility of a use variance for parcels that were determined to be undevelopable (a calculated building unit of less than one because of its size and zoning designation).

Below is the list of Highlands Region composite zones that are used during the Highlands WMP build-out process. As a way to separate the residential and non-residential build-out processes, each zone is given a residential designation (res) or a non-residential designation (non-res):

- Estate Residential (Res)
- Rural Residential (Res)
- Resource Residential (Res)
- Low Density Residential (Res)
- Medium Density Residential (Res)
- Suburban Residential (Res)
- High Density Residential (Res)
- Townhouse Attached Residential (Res)
- Garden Apartments (Res)
- Mixed Use/Age Restricted Housing* (Res\Non-Res)
- Mixed Use* (Res\Non-Res)
- Senior or Age Restricted Housing (Res)
- Office/Commercial (Non-Res)
- Retail (Non-Res)
- Industrial (Non-Res)

*These zones go through both the residential and non-residential build-out process; however, they are otherwise considered only non-residential. The resulting gallons per day (GPD) per parcel calculated from the residential and non-residential processes is then added together to get a final GPD.

Assigned Sewer Service Area

To create the Assigned Sewer Service Area the Highlands Council utilized existing areas served sewer service area (EAS-SSA) shapefiles and future sewer service area sewer service area (FSSA-SSA) shapefiles from previous iterations of municipal WMPs or from available sewer shapefiles sent from the municipality. In addition, the Highlands Council reviewed New Jersey Pollutant Discharge Elimination System (NJPDDES) active permits on the New Jersey Department of Environmental Protection (DEP) Data Miner website to add into the Assigned Sewer Service Area if they were not already accounted for from the provided shapefiles. This area was broken down into two zones: existing areas served or future sewer service area. For a parcel that is labeled as the future sewer service area, only the portion of the parcel that is designated as Existing Community Zone (ECZ) or Lake Community Zone (LCZ) of the Highlands Council Land Use Capability Zones (LUCZ) is designated as an Assigned Sewer Service Area. If a

¹ BODUACRE – Build-Out Dwelling Unit per Acre.

² BOFAR – Build-Out Floor Area Ratio

parcel is located within the boundaries of a Highlands Designated Center or a Highlands Designated Redevelopment Area, the entire parcel is designated as an Assigned Sewer Service Area, either labeled as future sewer service area or existing area served of the Assigned Sewer Service Area. Parcels that are labeled as existing area served of the Assigned Sewer Service Area do not go through the build-out process as the existing GPD flows are provided by the applicable wastewater treatment facility or through Digital Monitoring Report (DMR) data from the DEP Data Miner website. The GPD of the proposed future flow is estimated using build-out conditions; parcels labeled as future sewer service area of the Assigned Sewer Service Area are run through the build-out process explained below.

Build-Out Process

The build-out process starts with the remaining acreage of the parcels that are within the ECZ or LCZ, have a designated property class of 1 or 3B, and are not zoned as Mixed Use. The acreage of the DEP constraints are subtracted from the remaining acreage of the parcel. The DEP Environmental Constraints layer originates from DEP and is comprised of the following environmentally sensitive areas: wetlands, natural heritage priority sites, C1 streams and their associated 300-foot buffer, and DEP Landscape program rank 3, 4, and 5 critical habitat. In accordance with N.J.A.C. 7:15-4.5(b)1ii(1), the build-out for urbanized municipalities is calculated by multiplying the projected population increase within a 20-year planning horizon from the date of the WMP preparation by a value of 75 gallons per capita per day and adding any known new non-residential flows.

Flow Formula for residential parcels

1. $(\text{Parcel ECZ/LCZ Acres} - \text{DEP Environmental Constraints}) * \text{Efficiency Factor} = \text{Developable Acres}$
2. $\text{Developable Acres} * \text{BODUACRE} = \text{Building Units}$
3. $\text{Building Units} * \text{Average Household Size} = \text{People}$
4. $\text{People} * 75 \text{ GPD} = \text{GPD per parcel}$

Flow Formula for Office/Commercial/Retail parcels

1. $(\text{Parcel ECZ/LCZ Sq Ft} - \text{DEP Environmental Constraints Sq Ft}) * \text{Efficiency Factor} * \text{BOFAR} = \text{Developable Sq Ft}$
2. $\text{Developable Sq Ft} * \text{Public Wastewater System Generation } (.10) = \text{GPD per parcel}$

Flow Formula for Industrial parcels

1. $(\text{Parcel ECZ/LCZ Sq Ft} - \text{DEP Environmental Constraints Sq Ft}) * \text{Efficiency Factor} * \text{BOFAR} = \text{Developable Sq Ft}$
2. $(\text{Developable Sq Ft} / 1,000) * 1.11 = \text{Jobs per 1,000 sq ft}$
3. $\text{Jobs} * 25 \text{ GPD} = \text{GPD per parcel}$

For Mixed Use and Mixed Use/Age Restricted Housing parcels, the residential and commercial build-out derived GPD per parcel are added together to get the final GPD per parcel. Additionally, flows for vacant lands that are calculated below 110 GPD are removed from the Assigned Sewer Service Area, as the environmental constraints on the property reduced its development potential.

For the remaining property classes indicating previous development, the original acreage of the parcel is used to calculate the build-out. For property classes 4A and 4C the commercial build-out from the Highlands Build-Out Technical Report is used and for property class 4B the industrial build-out from the

same technical report is used. For property class 2 an assumed 300 GPD is used and the average household size is based on the composite zoning.

Assigned Sewer Service Area - Exemptions

As a way to identify all potential future flows, the Highlands Council attempted to identify parcels that may be entitled to connect to sewer due to eligibility for Exemptions 1, 2, or 4 specified under the Highlands Act and N.J.A.C. 7:38 Highlands Water Protection and Planning Act Rules (Highlands Rules). In order for these identified parcels to be part of the sewer service area they must not only be eligible for an exemption, but also within the pre-Act sewer service area that was designated before August 10, 2004. Parcels that are eligible for an exemption in the Preservation Area, located in the DEP pre-Act Sewer Service Area, and are adjacent to existing sewer service areas are run through the build-out process described above. Parcels identified as property class 4A, 4B, 4C, 15A, 15D or 15F and eligible for Exemption 4 were only run through the build-out process after consulting with the municipality regarding known plans for redevelopment of the identified parcel(s). If no redevelopment plans are known, the parcel is no longer designated as an Exempt Assigned Sewer Service Area.

Unassigned Sewer Service Area

Based on the definition of Unassigned Sewer Service Area, provided by the N.J.A.C. 7:15 Water Quality Management Planning rules, the unassigned sewer service area is any Planning Area parcel that is not designated as an Assigned Sewer Service Area and is located within the ECZ or LCZ and is **not** in the Existing Community Zone – Environmentally Constrained Subzone (ECZ-ECSZ), in accordance with the Highlands Regional Master Plan (RMP). These identified parcels are then run through the build-out process described above. The Highlands Council gave the municipalities the choice to retain identified Unassigned Sewer Service Areas, or delete all or portions of the identified areas.

Septic Build-Out Analysis - Preservation Area

In order to estimate the number of septic systems that may be added in a municipality, build-out conditions were analyzed in the Highlands Region. For the Preservation Area, the build-out analysis started with estimating build-out utilizing the N.J.A.C. 7:38 DEP Highlands Rules. First, parcels that are at least 25 acres or more were identified. This threshold was chosen since a vacant or underdeveloped parcel in the Preservation Area cannot install a new septic on the property that will maintain water quality nitrate standards in accordance with the Highlands Rules under estimated build-out conditions if it is under 25 acres. As per the Highlands Rules, a parcel that contains forest cannot have more than one septic system for every 88 acres and a parcel that does not contain forest cannot have more than one septic system for every 25 acres (25/88 rule). The number of septic systems on a parcel that contains a combination of forest and non-forest is calculated by finding the number of septic systems allowed on the forest and non-forest acres of the parcel and then subsequently adding those septic system numbers together. Land use land cover (LULC) codes are used to determine which portions of the parcels are forest or non-forest. Parcels with septic unit totals greater than or equal to two are kept under the Preservation Area Underdeveloped Septic wastewater designation. Any parcel with less than two calculated septic systems was deleted because it is assumed that a land owner who could get only one septic system on his/her property using the 25/88 rule would prefer to build the septic system

under an exemption, if eligible. These septic system numbers are taken into account in the septic exemption build-out.

Septic Exemptions

In an attempt to understand the number of additional septic systems that may be installed in a municipality under complete build-out conditions, the Highlands Council created a build-out analysis to determine how many parcels could fall under exemption eligibility. Like the exemption analysis for the Assigned Sewer Service Area, this process is developed using generalized assumptions that does not take into account environmental constrains that may affect the buildability of a parcel. Septic exemptions are any parcel in the Preservation Area not identified as an Assigned Sewer Service Area, not identified as a Preservation Area Underdeveloped Septic parcel, not identified as preserved land, has a designated property class of 1 or 3B, and was identified as one of the following composite zones:

Estate Residential	Medium Density Residential
Rural Residential	Suburban Residential
Resource Residential	High Density Residential
Low Density Residential	Townhouse Attached Residential

Building unit calculations were based on the BODUACRE from one of the zones above and the acreage of the parcel. Parcels that had a total building unit less than one were removed from the septic exemption designation.

Septic Build-Out Analysis - Planning Area

Residential Zones

Residentially zoned parcels that are in the Planning Area and not designated as existing area served in the Assigned Sewer Service Area are analyzed as part of the septic build-out analysis. The septic build-out was determined using property classes 1, 2, and 3B and parcels with condominium qualifier codes were removed. Condominiums are removed because the wastewater generated by them is too large for a septic system and it is assumed that a developed condominium complex would either be connected to a sewer service area or connected to a discharge to groundwater facility with a designated (NJPDDES) permit. Using the BODUACRE from the composite zoning, building units were calculated for these parcels. For parcels with a property class of 1 or 3B a building unit of at least one had to be calculated in order to proceed with the septic build-out process. For parcels with a property class of 2 at least two building units have to be calculated to proceed with the septic build-out process. Since property class 2 implies at least one single family residential dwelling is built on the property, the parcel has to be zoned for more than one dwelling as it is assumed more single family dwellings can be constructed on the parcel under full build-out conditions. The number of acres of the Protection Zone (PZ), Conservation Zone (CZ), and ECZ are determined on each parcel. Utilizing the [Highlands Council LUCZ Septic Table](#) the number of septic systems is determined for each parcel. The number of septic systems cannot exceed the number of calculated building units, therefore if the number of calculated septic systems for a parcel is higher than the number of building units calculated for the parcel based on zoning, then the number of septic systems is decreased to match the number of building units. Using this process the number of septic units calculated is called the LUCZ yield. These are the number of septic units that can be built in

the Planning Area of a municipality that will maintain water quality nitrate standards in accordance with the RMP under full build-out conditions. The Highlands Council also takes into account parcels that may have calculated building units of 2, but are only allowed one septic system on the parcel due to the LUCZ septic constraints. Since the Highlands land use ordinance amendments only require evaluation against the RMP for the construction of three or more new residential houses, a landowner can choose to build up to two building units and an associated septic system for each unit regardless of the RMP septic yield. Under this scenario, it is assumed under build-out conditions that two septic systems would be installed as opposed to just the one septic system allotted by the LUCZ septic yield.

Non-Residential Zones

Non-residential zoned parcels that are in the Planning Area and not designated as existing area served in the Assigned Sewer Service Area are analyzed as part of the septic build-out analysis. These parcels are identified if they are property classes 1 or 3B, are not preserved lands, and zoned as non-residential. The number of acres of the PZ, CZ, and ECZ and their associated subzones, were determined for each identified parcel. The [Highlands Council LUCZ Septic Table](#) was used to determine the number of septic systems that could be installed on the parcel under RMP septic build-out conditions. Any parcel that received a septic yield of zero was removed.

APPENDIX G
Septic Inventory

PAMS_PIN	SSN	Owner	Address	Block	Lot	SQ_FT	Acres	Municipality	County	Residential/ Non Residential	Planning Area/Preservation Area	Year Designed/ Installed/ Approx Age of System	Type of ISSDS	Year Insalled/Repaired/ Alterations	Name of Engineering Firm or Repairer
1018_1_1		1018 BRADY, THOMAS	46-50 SPENCER LANE,LEBANON BORO	1	1	122572.1	2.813868	LEBANON BORO	HUNTERDON	Residential	Planning	1994	Dis. Bed	repaired 2003	Delaware Valley Septic
1018_1_5		1018 FREEDMAN GROUP	7 PROSTAK LANE,LEBANON BORO	1	5	277782.4	6.377005	LEBANON BORO	HUNTERDON	Non_Residential	Planning				
1018_4_11		1018 BOURBON STREET LAND CO LLC	1210-1220 HIGHWAY 22,LEBANON BORO	4	11	119697.6	2.747879	LEBANON BORO	HUNTERDON	Non_Residential	Planning				
1018_5_24		1018 K-T CORPORATION -THUL AUTO PARTS	1281 HIGHWAY 22	5	23	168098	3.859	LEBANON BORO	HUNTERDON	Non_Residential	Planning				
1018_5_39		1018 LEBANON ANTIQUE CENTER INC	1 BLOSSOM HILL ROAD,LEBANON BORO	5	39	167154.9	3.837349	LEBANON BORO	HUNTERDON	Non_Residential	Planning				
1018_8_9.06		1018 SKENE, WILLIAM B & JUDITH A	6 NITZER AVENUE	8	9.06	31798.8	0.73	LEBANON BORO	HUNTERDON	Residential	Planning				
1018_8_9.07		1018 SCHWEITZER, RANDOLPH & TARA	7 NITZER AVENUE	8	9.07	38332.8	0.88	LEBANON BORO	HUNTERDON	Residential	Planning				
1018_8_9.08		1018 CHRISTOFF, GEORGE N	5 NITZER AVENUE	8	9.08	35283.6	0.81	LEBANON BORO	HUNTERDON	Residential	Planning				

WMP Technical Method for Septic Inventory Parcel Identification

The septic inventory was populated utilizing the available information from the Highlands composite zone data, property class information, and municipally available data. These are the composite zones taken into account during the Highlands WMP build-out process and for identifying whether remaining parcels not identified in any of the build outs contain an existing septic unit. After each zone a residential designation (res) or a non-residential designation (non-res) was applied to each composite zone as a way to distinguish between residential and non-residential septic systems:

Developed Residential Septic Systems

Existing residential septic units were identified by selecting parcels that were not identified as an existing area served of the assigned sewer service area and are classified as property class 2 or 3A. These parcels receive 1 septic unit as one septic system was assumed for each developed single family home. These parcels are depicted on Map 3b as Existing Septic Areas – Residential and these parcels and their associated parcel information populate the septic inventory. This process does not account for homes that may have a second system or a cesspool that has not been previously identified by any entity. Any parcel that did not have property class information was not identified as a parcel containing an existing septic system.

Developed Non-Residential Septic Systems

Existing non-residential septic units were identified by selecting parcels that were not identified as an existing area served of the assigned sewer service area and are classified as property class 4A, 4B, 15A, 15D, or 15F. These parcels receive one septic unit as one septic unit was assumed for each developed commercial or industrial property. These parcels are depicted on Map 3b as Existing Septic Areas – Non Residential and these parcels and their associated parcel information also populate the septic inventory. Any parcel that did not have property class information was not identified as a parcel containing an existing septic system.

APPENDIX H
Lebanon Borough
Ordinance 91-04

ORDINANCE #91-04

AN ORDINANCE ADOPTING REGULATIONS PROVIDING STANDARDS FOR THE LOCATION, DESIGN, CONSTRUCTION, INSTALLATION, ALTERATION AND MAINTENANCE OF INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEMS.

BE IT ORDAINED by the Mayor and Common Council of the Borough of Lebanon, County of Hunterdon and State of New Jersey:

SECTION ONE: On January 1, 1990, new regulations concerning the location, design, construction, use, installation, operation and maintenance of subsurface sewage disposal systems, became effective. A copy of those regulations are attached hereto and made a part hereof without the inclusion of the actual text of the regulations in this Ordinance, pursuant to N.J.S.A.26:3-69.1 to 69.6. Pursuant to authority granted under N.J.S.A.26:3-69.1 through 69.6, and N.J.A.C. 7:9A-3.1, the Common Council hereby adopts those regulations.

SECTION TWO: The regulations established and adopted by this Ordinance are described and commonly known as "STANDARDS FOR INDIVIDUAL SUBSURFACE SEWAGE DISPOSAL SYSTEMS", and set forth in the New Jersey Administrative Code, Title 7, Chapter 9A, commonly cited as N.J.A.C. 7:9A-1.1, et seq. Pursuant to N.J.S.A. 26:3-69.2, three copies of the regulations have been placed on file in the office of the Secretary of the Board of Health upon the introduction of the Ordinance and will remain on file until final action is taken on this Ordinance for the use and examination of the public.

SECTION THREE: No person shall locate, construct or alter any individual sewage disposal system until a permit for the location, construction, alteration or repairs of said sewage disposal system shall have been issued by the Administrative Authority as defined in N.J.A.C. 7:9A-2.1.

SECTION FOUR: The Administrative Authority may issue a permit if the application is determined to be in compliance with the regulations adopted under this Ordinance and applicable local ordinances.

SECTION FIVE: All individual subsurface sewage disposal systems constructed, repaired or certified for operation after the effective date of this Ordinance shall comply with the operation and maintenance requirements set forth under N.J.A.C. 7:9A-12.1.

SECTION SIX: New individual subsurface sewage disposal systems shall not be placed in operation, nor shall any dwellings or buildings or additions thereto be sold or occupied, which rely on such a system for sewage disposal, until the Administrative Authority shall have issued a certificate indicating that the

subsurface sewage disposal system has been located and constructed in compliance with the terms of the permit issued, the provisions of the Municipal Code and the provisions of N.J.A.C. 7:9A-1.1, et seq.

SECTION SEVEN: Any approved application for the location, construction and/or alteration of an individual subsurface sewage disposal system shall be valid for a period of three (3) years from the date of issue. Thereafter, a new approved application must be obtained which will be reviewed under the regulations in effect at the time of the new application.

SECTION EIGHT: The following fees and charges are herewith established:

- (a) For the filing of an application and plans to locate and construct an individual sewage disposal system, plan review, site inspection, issuance of permit and installation inspections. \$ 200.00
- (b) The license fee for operating an individual subsurface sewage disposal system for 3 years shall be. . \$ 15.00
- (c) Annual fee for license to operate an individual subsurface sewage disposal system \$ 5.00
- (d) For the filing of an application and plans for a permit to alter an existing individual sewage disposal system and issue said permit \$ 100.00
- (e) For filing an application for repair \$ 50.00
- (f) Application renewal fee \$ 50.00

SECTION NINE: This Ordinance shall take effect upon passage and publication according to law.

BOROUGH OF LEBANON
BY: J. Knox Felter, Jr.
J. KNOX FELTER, JR., MAYOR

ATTEST:
Leona Burton
LEONA BURTON, CLERK

Introduced: 1/16/91
Adopted: 2/20/91

APPENDIX I
Septic Maintenance Program

**SEPTIC MAINTENANCE PROGRAM
(Septic Management Plan Component)
WASTEWATER MANAGEMENT PLANS (WMP)**

Hunterdon County Municipality of: Lebanon Borough Date: May 2020

I. Current ISSDS (septic system) Inventory:

Provide Data Report (narrative & property/ISSDS data) on ISSDSs for which records are currently maintained, i.e., begin inventory with all existing-to-date records for newly constructed, modified or repaired ISSDSs that required a permit from the Hunterdon County Health Department. The following fields should also be included if the information is available:

- Name & address of person responsible for the ISSDS maintenance;
- Street address/location of ISSDS
- Date ISSDS installed or approximate age of system;
- Type of ISSDS;
- Date/description of last known permitted activity via Health Department (installation, alteration, repair);
- Date of last inspection or pump-out.

Other fields such as name of inspector, name of pump-out provider, date of last notification sent from Hunterdon County Health Dept. or Municipality (as applicable), are examples of other optional fields that may prove useful if available.

- Appendix G of the Wastewater Management Plan contains a spreadsheet all of the parcels within the municipality identified as having an existing septic system. Hunterdon County Health Department has septic design approval information by municipality from 2012- 2018 on their website (<http://www.co.hunterdon.nj.us/health/septic1.html>) consistent with the requirements at N.J.A.C. 7:9A-3.15. Information was gathered from the website, supplemented by the Borough, and used to populate the septic inventory spreadsheet.

II. Current Septic Management Practices:

Provide narrative of the current activity underway in your municipality that helps to support the proper functioning of ISSDSs—both including AND separate from the triennial requirements of N.J.A.C. 7:9A-3.14. The narrative will include a discussion of how each municipality implements septic system maintenance/management, with a specific focus on the activities outlined below:

(Note: All activities outlined below may not be applicable to the current practices in each municipality.)

1. Identify areas (as applicable) that have a history of failing ISSDSs or exhibit other indications that the area is prone to failing ISSDSs that are “aging out” and showing signs of failure or improper maintenance (e.g., complaints to Health Department or from residents speaking out at town meetings);
- Through the development of this inventory, areas that are prone to failing septic systems or in need of multiple repairs can be easily identified.

2. Narrative for Permitting Process for ISSDSs—provide general summary and (as applicable) other relevant information, such as if there are options for alternative systems that utilize “Green” technologies or are those prohibited and why?
 - The procedures outlined in N.J.A.C. 7:9A for the permitting of new and altered system design approvals are adhered to as follows:
 1. Soil testing is scheduled and application fees are submitted by applicant.
 2. Soil testing conducted by applicant’s professionals and witnesses by municipal representatives.
 3. Application and design for conventional or advanced systems submitted to the Administrative Authority for review.
 4. Permit to construct issued by the Administrative Authority.
 5. Construction is inspected by a representative by the Administrative Authority.
 6. Final construction approval granted upon receipt of as- built plan, certifications, and certificate of compliance prepared by the applicant’s professionals.
3. Maintenance requirements for ISSDS owners/users, pursuant to N.J.A.C. 7:9A-3.14 (i.e., what is sent out (include copies of letter/pamphlet, etc.) and when (each triennial schedule))
 - The maintenance requirements for systems incorporating advanced pretreatment per N.J.A.C. 7:9A are adhered to. Guidance materials developed by NJDEP as distributed and relevant septic maintenance information is available at Borough Hall and the County Department of Health. “Well and Septic Care in Hunterdon County a Homeowner’s Guide” pamphlet (http://www.co.hunterdon.nj.us/pdf/health/Well_and_Septic.pdf) is distributed to homeowners.
4. Education/Outreach on Proper Maintenance (in addition to 7:9A-3.14)
 - Guidance materials are available from the County Department of Health upon request.
5. Record Creation and Maintenance (in addition to 7:9A-3.15), such as an already existing inventory of ISSDS owners/users and if/when any municipal notifications are sent to them)
 - Hunterdon County Health Department keeps a record of septic design approvals by municipality from 2012-2018 on their website at <http://www.co.hunterdon.nj.us/health/septic1.html>.
6. Response Actions to Complaints—provide general summary
 - The Hunterdon County Health Department responds to complaints received by the Administrative Authority within one (1) business day. The Administrative Authority implements the procedures outlined under N.J.A.C. 7:4-3.4(d), (e), and (f) upon identification of a non-compliant system.
7. Remedial Actions Required for Failing ISSDSs—provide general summary
 - The Administrative Authority implements the procedures outlined under N.J.A.C. 7:9A-3.4(d), (e), and (f) upon identification of a non-compliant system.
8. Reporting to DEP—provide general summary
 - Annual numeric data is provided to the NJDEP via the NJ Local Health Reporting System in Hippocrates.

III. Proposed Improvements to Current Septic Management Practices and Plan to Complete Inventory:

Provide a description of activities that will be evaluated and/or implemented over the next 10-year WMP planning period, that will improve the current municipal practices listed above associated with septic management. Examples of the types of activities being sought include:

1. How will existing but yet unaccounted-for ISSDSs be added to the initial/partial inventory—for example, those noted during past realty transfers, CO Inspections, tax records for non-sewer areas, etc.
 2. In what other ways may this inventory be augmented and/or completed, i.e., need a plan or suite of approaches that propose how to augment and complete the inventory over the 10-year WMP planning period.
 3. Improving Tracking and Notification process to further encourage regular pump-outs, system augmentation, and regular maintenance practices;
 4. Additional educational opportunities to share information with system owners on septic maintenance (e.g., classroom presentations or to civic groups such as Lions Club, Women’s Clubs, or partnering with Environmental Commissions/ Advisory Councils/Watershed Ambassadors, etc.).
 5. Include an estimated timeframe and/or system of “Milestones” to chart progress, e.g., estimate total number of ISSDSs per municipality (provided to Health Depts. pursuant to N.J.A.C. 7:9A-3.15) and commit to populating the Inventory for a certain percentage of them over a pre-determined time-period, or dividing non-sewer areas into geographical “sections” to be completed on a pre-determined timeframe, etc.
- The septic inventory is complete to the greatest extent possible. The Borough will work with the Highlands Council through Plan Conformance on incorporating existing, but unaccounted for ISSDSs into the septic inventory. A tracking and notification process to further encourage regular maintenance practices will be implemented. Additional educational opportunities to inform septic system owners on septic maintenance will be developed.

APPENDIX J

**Resolution for Authorization for Submission of the Wastewater Management
Plan to the New Jersey Department of Environmental Protection**



**BOROUGH OF LEBANON
COUNTY OF HUNTERDON
STATE OF NEW JERSEY**

RESOLUTION #97-2019

**A RESOLUTION FOR AUTHORIZATION FOR SUBMISSION OF THE LEBANON
BOROUGH CHAPTER OF THE HUNTERDON COUNTY
WASTEWATER MANAGEMENT PLAN TO THE NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION PURSUANT
TO N.J.A.C. 7:15-3.5(G)6**

WHEREAS, the Highlands Water Protection and Planning Council ("Highlands Council") has prepared a Wastewater Management Plan (WMP) for Lebanon Borough that complies with the 2016 Water Quality Management Plan (WQMP) rules pursuant to N.J.A.C. 7:15, Subchapter 3;

WHEREAS, Lebanon Borough is located in the Highlands Region with land lying in the Planning Area;

WHEREAS, each county and municipality in the State of New Jersey shall be subject to a Wastewater Management Plan (WMP) adopted by the New Jersey Department of Environmental Protection;

WHEREAS, the 2019 WMP is consistent with the Plan Conformance petition approved by the Highlands Council as well as the Regional Master Plan;

WHEREAS, the Hunterdon County Board of Chosen Freeholders has become the County Wastewater Management Planning Agency;

WHEREAS, the Governing Body of Lebanon Borough, Hunterdon County, State of New Jersey has reviewed the draft WMP.

NOW, THEREFORE BE IT RESOLVED that the Governing Body consents to the submission of the Lebanon Borough Chapter of the Hunterdon County WMP to the New Jersey Department of Environmental Protection for review and adoption as required by the 2016 Water Quality Management Plan rules.

Introduced and adopted: July 17, 2019

Ayes: Burton, Berger, Junge, Schneider, Baldinger

Nays: 0

Absent:

Abstain: 0

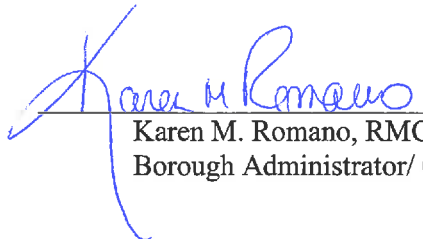
LEBANON BOROUGH COUNCIL


By: Richard J. Burton, Council President

CERTIFICATION

I, Karen M. Romano, Lebanon Borough Clerk, hereby certify that this resolution was duly adopted by the Borough of Lebanon Common Council at a meeting duly held on the 17th day of July 2019; that this Resolution has not been amended or repealed; and that it remains in full force and effect as of the date I have subscribed my signature.

Dated: July 17, 2019


Karen M. Romano, RMC
Borough Administrator/ Clerk