

# 2020 MASTER PLAN & DEVELOPMENT REGULATIONS REEXAMINATION

Borough of Lebanon

July 14, 2020

Adopted by the Planning Board/Board of Adjustment: July 14, 2020

# 2020 Master Plan & Development Regulations Reexamination

Borough of Lebanon

Hunterdon County, New Jersey

Adopted on: July 14, 2020

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The original of this report was signed and sealed in accordance with N.J.S.A. 45:14A-12.

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## I. INTRODUCTION

The Borough of Lebanon is located in northern Hunterdon County and encompasses approximately 0.886 square miles (567 acres). Lebanon is a small community consisting of a variety of housing types, a Main Street, and a commercial corridor along US Route 22. The Borough has excellent access to major transportation options, including Exit 20 on Interstate 78, US Route 22, County Road 639, the Raritan Valley Line at the Lebanon train station, and Bus Routes 17 and 18 on the Hunterdon County LINK bus system. The Borough of Lebanon is entirely surrounded by Clinton Township as shown by the map on page 4.

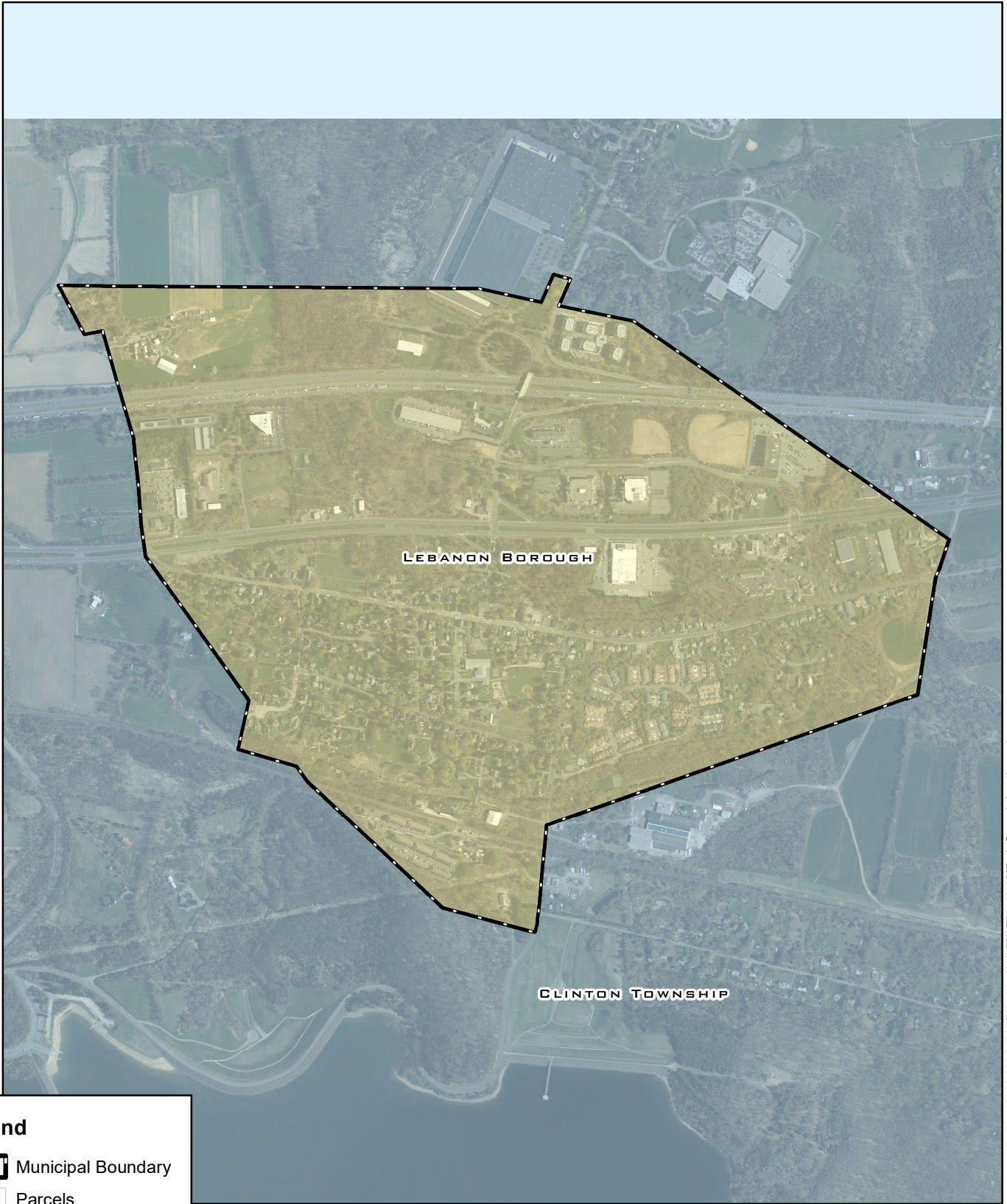
The New Jersey Municipal Land Use Law, N.J.S.A. 40:55 D-1 et seq., stipulates that each municipality in the State of New Jersey shall reexamine its Master Plan and development regulations at least every ten years. Specifically, N.J.S.A. 40:55D-89 states:

*"The governing body shall, at least every 10 years, provide for a general reexamination of its master plan and development regulations by the Planning Board, which shall prepare and adopt by resolution a report on the findings of such reexamination, a copy of which report and resolution shall be sent to the Office of Planning Advocacy and to the County Planning Board. A notice that the report and resolution have been prepared shall be sent to any military facility commander who has registered with the municipality pursuant to section 1 of P.E.2005, c.41 (C.40:55D-12.4) and to the municipal clerk of each adjoining municipality, who may request a copy of the report and resolution on behalf of the military facility or municipality. A reexamination shall be completed at least once every 10 years from the previous reexamination."*

This reexamination of the Borough of Lebanon Master Plan conforms to the requirements of the Municipal Land Use Law and addresses the requirements of N.J.S.A. 40:55D-89 by including the following:



- A. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
- B. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- C. The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for such plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, County and municipal policies and objectives.
- D. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
- E. The recommendations of the Planning Board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law", P.L. 1992, c.79 (C.40A:12A-1 et seq.) into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.
- F. The recommendations of the Planning Board concerning locations appropriate for the development of public electric vehicle infrastructure, including, but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops: and recommended changes, if any, in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.

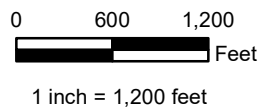
A review of Lebanon's planning documents reveals that the Borough's current Mater Plan was adopted by the Planning Board in December of 1973 and last revised in 1982. The Planning Board subsequently adopted Master



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**Legend**

-  Municipal Boundary
-  Parcels



**BOROUGH LOCATION**  
**BOROUGH OF LEBANON**

**HUNTERDON COUNTY, NEW JERSEY**



**FEBRUARY 2020**



Plan Reexamination reports in February of 1991, February of 2008, January of 2013, and July of 2016. It should be noted that the 2016 Master Plan Reexamination report (hereinafter “2016 Reexamination”), specifically dealt with evaluating the Borough’s Master Plan and development regulations for consistency with the Highlands Regional Master Plan and offers specific changes to bring the Master Plan and development regulations into conformance with the Highlands Regional Master Plan. Additionally, on May 8, 2018, the Planning Board adopted the 2018 Amendment to the 2016 Master Plan Reexamination Report (hereinafter “2018 Amendment”). The 2018 Amendment was adopted in response to specific planning issues, which arose after the adoption of the 2016 Reexamination and was not an all-encompassing Mater Plan and Development Regulations Reexamination report.

The aforementioned requirements of the Municipal Land Use Law are addressed in the sections of this report that follow. However, the purpose of this 2020 Master Plan & Development Regulations Reexamination (hereinafter “2020 Reexamination”) is limited in scope and solely focused on recommending changes to the Borough’s Code regarding stormwater management in order to achieve consistency with the Highlands Council’s requirements.

## II. PROBLEMS & OBJECTIVES RELATED TO THE 2016 REEXAMINATION & 2018 AMENDMENT

This chapter of the 2020 Reexamination report examines the major problems and objectives relating to land development in the Borough of Lebanon that were included in the 2016 Reexamination and 2018 Amendment. Problems and objectives noted in the 2016 Reexamination and 2018 Amendment report are as follows:

### 2016 REEXAMINATION

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#### *Changes to the Master Plan*

The following changes to the Master Plan were recommended in the 2016 Reexamination:

- The 2016 Reexamination recommended that the Borough adopt the objectives, policies, and standards of the “Highlands Planning Area Master Plan Element”, which was approved by the Highlands Council on November 19, 2010 as part of the Borough’s Petition for Plan Conformance.
- The Borough recognized that the office park along Route 22 has transformed into a ghost town with office buildings which are vacant, partially vacant, or soon to be vacant. For this reason, the Borough was interested in developing a Sustainable Economic Development Plan Element to analyze both the office park and the Borough as a whole, provide suggestions for alternative uses for the office park, and create a plan of action. Additionally, the Borough believed a Highlands Center Designation would benefit the Borough. A Center Designation would provide the borough with access to planning grants and technical expertise, as well as eliminate the underlying Highlands Land Use Capability Zones, while maintaining the underlying resources. This allows for greater flexibility for development options within the Borough.
- The 2016 Reexamination also discussed the Borough’s interest in planning for scenic by-ways as Interstate 78 and Route 22 traverse the Borough.

#### *Changes to the Development Regulations*

Two changes to the Borough’s development regulations were recommended in the 2016 Reexamination:

- The Planning Board recommended the Governing Body adopt the “Borough of Lebanon Highlands Planning Area Land Use Ordinance”, which was approved by the Highlands Council on November 19, 2010 as part of the Boroughs Petition for Plan Conformance.
- The Board also recommended the Governing Body to implement changes to the Borough Development Application checklist ordinances to include the submission of evidence of consistency with the Highlands Regional Master Plan.

## 2018 AMENDMENT

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### *Changes to the Development Regulations*

The 2018 Amendment recommends three changes to the development regulations:

- If the Borough is able to designate the Study Area of the Corporate Drive office park area as an Area in Need of Redevelopment, a Redevelopment Plan shall be prepared to guide the land use goals and regulations within the area to include a mixture of uses.
- Additionally, the “major” recommendation to the development regulations of the 2018 Amendment is to amend the COM-ROM 100,000 zone on the south side of Route 22 and the COM-ROM 200,000 zone on the west side of Cokesbury Road on the north side of Route 22. Recommendations include expansion of the permitted uses which will complement the corridor and capitalize on the pass-by traffic. One specific use is mixed-use development that includes a variety of commercial uses on the first floor and multi-family inclusionary residential development above. Other recommendations include to reevaluate the minimum lot sizes of the zones and the current permitted building height of four stories and 55 feet.
- Permitted uses along Main Street, which is zoned C-LB, permits retail shops, offices, public utilities, municipal uses, and parking facilities. The 2018 Amendment recommends the reevaluation of the permitted uses in the C-LB zone to ensure a suitable number of use options are available to the properties along Main Street. Suggested uses include restaurants, service establishments, instructional uses, etc.

## III. EXTENT THAT PROBLEMS & OBJECTIVES HAVE CHANGED SINCE 2016 AND 2018

This chapter of this 2020 Reexamination looks at the extent to which problems and objectives have been reduced or increased since the 2016 Reexamination and 2018 Amendment. The issues listed in Chapter II are summarized below, along with a 2020 status evaluation.

### 2016 REEXAMINATION

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#### *Changes to the Master Plan*

- **Adoption of the goals of the “Highlands Planning Area Master Plan Element”.** The Borough has not yet amended its Master Plan to adopt and incorporate these goals.
- **Preparation of a Sustainable Economic Development Plan and achievement of a Highlands Center Designation.** The Borough prepared a Highlands Center Designation Feasibility Study in 2017. On August 24, 2017, the Borough Council approved the Study via Resolution 123-2017. The resolution requested the Highlands Council amend the Borough’s Petition for Plan Conformance to include a Center Designation. On March 15, 2018, the Highlands Council approved the Borough’s Amended Petition for Plan Conformance, which included the designation of a Highlands Center, via Resolution 2018-1. The Borough has not prepared a Sustainable Economic Development Plan, however the Borough is still committed to prepare a Sustainable Economic Development Plan in the future.
- **Planning for scenic by-ways.** The Borough has not yet undertaken any planning of scenic by-ways.

#### *Changes to the Development Regulations*

- **Adoption of the “Borough of Lebanon Highlands Planning Area Land Use Ordinance”.** The Borough cannot adopt a Highlands Planning Area Land Use Ordinance until center planning is completed, which has not started. The Borough still wishes to pursue this, but must first focus its efforts on its affordable housing requirements.
- **Changes to the Development Application checklist ordinances.** On November 22, 2016, the Council adopted Ordinance 2016-04 entitled “An Ordinance Amending the Land Use Ordinance of the Borough of Lebanon to Update Submission Requirements for Applications for Development”.

## 2018 AMENDMENT

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### *Changes to the Development Regulations*

Three changes to the development regulations were recommended:

- **Preparation of a Redevelopment Plan for the Corporate Drive office park Study Area.** The Borough Council initiated an Area in Need of Redevelopment Study for the Corporate Drive office park Study Area in 2018. However, in 2019, preparation of the Study ceased. The Area in Need of Redevelopment Study must be completed first and the area designated before a Redevelopment Plan can be drafted.
- **Reevaluation of the permitted uses, lot sizes, and building heights within the COM-ROM 100,000 and COM-ROM 200,000 Zones.** The Borough has not started this process to date. Instead, the Borough has been diligently resolving its affordable housing litigation. However, this task is still remains a priority for the Borough.
- **Reevaluation of the permitted uses in the C-LB Zone along Main Street.** The Borough has not yet started the reevaluation process. Instead, the Borough has been diligently resolving its affordable housing litigation. However, this task is still remains a priority for the Borough.

## IV. CHANGES IN POLICIES & OBJECTIVES FORMING THE BASIS OF THE 2018 AMENDMENT

The third step in the reexamination process reviews the extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the Master Plan or changes in State, County, and municipal policies and objectives. Since the 2016 Reexamination and 2018 Amendment, three State planning policies have been approved and one County document has been adopted. The remainder of this Chapter is divided into four sections – demographic changes, State changes, County changes, and Borough changes.

### DEMOGRAPHIC CHANGES

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The 2018 Amendment did not include demographic information. The sections below include data from the 2018 American Community Survey 5-year estimates (hereinafter "ACS"), with comparisons using data from the 2010 Census.

As shown in the table on the following page, the population of Lebanon increased between 1940 and 1960, growing from 638 residents to 880 residents. However, the 1960s saw a net increase of only five residents and there were 65 less residents by 1980. Since 1980, the population of the Borough of Lebanon has more than doubled. This increase in population is due to the construction of The Commons, The Heights at Lebanon, and Presidential Place. The 2018 ACS reports the Borough had a population of 1,945 residents, 1,125 residents more than reported in the 1980 Census (137.2%).



POPULATION GROWTH			
Year	Population	Change	Percent
1940	638	---	---
1950	752	114	17.9%
1960	880	128	17.0%
1970	885	5	0.6%
1980	820	-65	-7.3%
1990	1,036	216	26.3%
2000	1,065	29	2.8%
2010	1,358	293	27.5%
2018	1,945	587	43.2%

Source: 2010 Census table DP-1; 2018 American Community Survey ("ACS") table <http://lwd.dol.state.nj.us/labor/lpa/census/2kpub/njsdcp3.pdf>

The North Jersey Transportation Planning Authority (hereinafter "NJTPA"), which is the regional planning agency for northern New Jersey, projects that the Borough of Lebanon will grow from 1,550 residents in 2015 to 1,645 in 2045.<sup>1</sup> However, as previously stated, the 2018 ACS estimated the Borough's population to be 1,945 which is 300 residents more than the NJTPA's projection.

#### *Age Distribution of Population*

According to the ACS, just over 25% of the population was under 20 years of age, while 21.1% of the population 60 years or older. A plurality of the population is represented in the 45 to 54 years of age cohort, which represents 17.2% of the population. The Borough's median age is 40.9 years. The table to the right shows the distribution of Lebanon's population.

POPULATION BY AGE COHORT		
Age	Total	Percent
Under 5 years	120	6.2%
5 to 9 years	64	3.3%
10 to 14 years	106	5.4%
15 to 19 years	203	10.4%
20 to 24 years	109	5.6%
25 to 34 years	227	11.7%
35 to 44 years	242	12.4%
45 to 54 years	335	17.2%
55 to 59 years	129	6.6%
60 to 64 years	100	5.1%
65 to 74 years	174	8.9%
75 to 84 years	96	4.9%
85 years and over	40	2.1%
<b>Total</b>	<b>1,945</b>	<b>100.0%</b>
Median Age	40.9	

Source: 2018 ACS table DP05

#### *Housing Occupancy*

A total of 854 housing units are present in Lebanon according to the 2018 ACS. Of that total, 4.9%, or 42 units, are vacant, leaving 812 occupied housing units. Vacant households can be broken down by the type of vacancy. According to the 2018 ACS, the Borough had 17 "sold" housing units, which were not occupied, 12 housing units for sale, and three housing units "for seasonal, recreational or occasional use". Additionally, 10 vacant housing units were classified as "other vacant".

<sup>1</sup> <https://apps.njtpa.org/plan2045/docs/Demographic%20Appendix.pdf>

Of the 812 occupied housing units, a majority, or 58.6%, were owner-occupied while 41.4% were renter-occupied units. Compared to the data collected during the 2010 Census, owner-occupied units comprised 70.9% of the housing stock and renter-occupied units comprised 29.1% of the housing stock.

Of the 812 occupied households, over 35% of households were two-person households and 27.7% were one-person households. Therefore, well over half of the Borough’s occupied housing stock is comprised of one- and two-person households. Rounding out the top three household sizes is three-person households, which comprise 17.2% of housing units. See the table below for a detailed breakdown of the Borough’s household sizes in 2018.

OCCUPANCY STATUS			HOUSEHOLD SIZE		
	Households	Percent	Size	Total	Percent
<b>Occupied Total</b>	<b>812</b>	<b>95.1%</b>	1-person	225	27.7%
Owner Occupied	476	58.6%	2-person	285	35.1%
Renter Occupied	336	41.4%	3-person	140	17.2%
<b>Vacant Total</b>	<b>42</b>	<b>4.9%</b>	4-person	135	16.6%
For rent	0	0.0%	5-person	25	3.1%
Rented, not occupied	0	0.0%	6-person	0	0.0%
For sale	12	28.6%	7+ person	2	0.2%
Sold, not occupied	17	40.5%	<b>Total</b>	<b>812</b>	<b>100.0%</b>
Seasonal	3	7.1%			
Other	10	23.8%			
<b>Total</b>	<b>854</b>	<b>100.0%</b>			

Source: 2018 ACS table B11016

Source: 2018 ACS tables DP04 & B25004

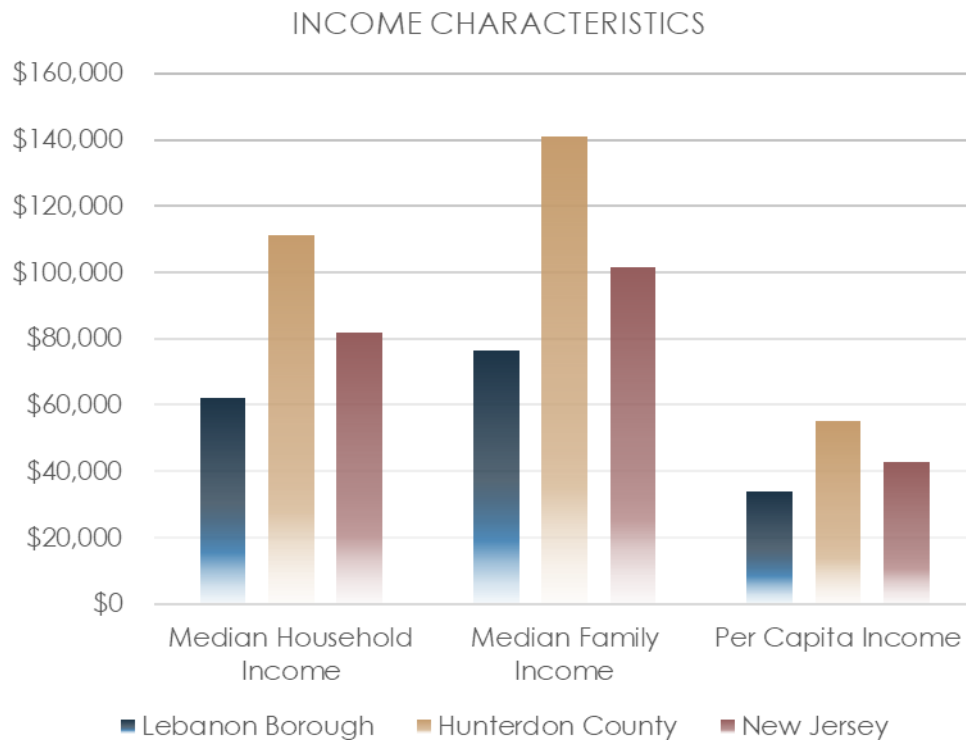
**Household Income**

In order to see how Lebanon ranks with respect to incomes, the table and chart on the following page compares the Borough to Hunterdon County and the State of New Jersey. According to the 2018 ACS, the Borough had a median household income of \$61,937, which is over \$49,000 less than the County’s and nearly \$20,000 less than the State’s. Similarly, the Borough has a median family income of \$76,401, which is roughly \$64,500 less than the County’s and approximately \$25,000 less than the State’s. This trend continues with the Borough’s per capita income of \$33,831, which is \$21,280 less than the County’s and \$8,984 less than the State’s.

When comparing poverty levels between the Borough, the County, and the State, there is a higher rate of poverty for both individuals and families in the Borough of Lebanon than those within Hunterdon County and New Jersey. The Borough’s individual poverty rate is 13.1%, compared to 4.8% of individuals in the County and 9.5% of individuals in the State. The poverty rate for families within the Borough is more than double that of the families in Hunterdon County and roughly three quarters more than the poverty rate of New Jersey families.

INCOME CHARACTERISTICS			
Income Type	Lebanon Borough	Hunterdon County	New Jersey
Median Household Income	\$61,937	\$111,269	\$81,740
Median Family Income	\$76,401	\$140,899	\$101,404
Per Capita Income	\$33,831	\$55,111	\$42,815
Poverty Status (Percent of People)	13.1%	4.8%	9.5%
Poverty Status (Percent of Families)	9.3%	3.7%	6.9%

Source: 2018 ACS table DP03



*Land Use*

The Borough of Lebanon contains a variety of land uses, which contribute to the small-town feel of the community. Lebanon is comprised of 670 parcels according to the 2018 property tax data prepared by the Local Government Services division of the New Jersey Department of Community Affairs. The chart on the following page depicts the number of parcels in various land use categories and the total property value of each land use category. Over 85% of the Borough is residential and has a total land value of \$154,498,600 or 55.55%. It should be noted that apartments and farm homesteads total 0.60% of the Borough’s parcels and 10.36% of the Borough’s land value. Commercial properties represent approximately 9% of the Borough’s parcels and nearly 29% of the Borough’s total land value. According to the data, there were 19 vacant parcels in the Borough of Lebanon in 2018.

LAND USE (2018)				
Land Use Class	# of Parcels	Percentage	Total Value	Percentage
Vacant	19	2.84%	\$1,418,900	0.51%
Residential	573	85.52%	\$154,498,600	55.55%
Apartment	3	0.45%	\$28,141,000	10.12%
Farm Homestead	1	0.15%	\$681,000	0.24%
Farmland	8	1.19%	\$4,111,735	1.48%
Commercial	59	8.81%	\$80,581,700	28.97%
Industrial	7	1.04%	\$8,713,980	3.13%
<b>Total</b>	<b>670</b>	<b>100%</b>	<b>\$278,146,915</b>	<b>100%</b>

Source: [http://www.nj.gov/dca/divisions/dlgs/resources/property\\_tax.html](http://www.nj.gov/dca/divisions/dlgs/resources/property_tax.html)

## STATE CHANGES

### *Affordable Housing Foreclosure Revisions*

On June 24, 2019 Governor Murphy signed into law Senate Bill Number 362 entitled "An Act concerning affordability controls on affordable housing and amending P.L.1995, c.244." This law provides that deed restrictions on affordable housing units are not extinguished by foreclosure proceedings.

### *New Jersey Land Bank Law*

On July 11, 2019, Governor Murphy signed into law Senate Bill Number 1214. This is known as the New Jersey Land Bank Law, which will allow New Jersey towns and cities to designate a land bank entity to obtain vacant, abandoned, and neglected properties for productive reuse purposes. This law provides municipalities with a tool to revitalize and reuse properties for public benefit. The law provides for accountability to local communities through the requirement for community advisory boards with mandatory access to certain information and opportunities for the board to comment on the land bank entity's decisions. Land bank entities will further be required to develop and maintain an online, publicly accessible database of current and former land bank properties. The community advisory board must issue an annual report on the accuracy, integrity, accessibility, and comprehensiveness of the land bank entity's online database.

### *Innovation District Designation Program*

On August 8, 2019 Governor Murphy signed into law Assembly Bill Number 5111, creating the Innovation District Designation Program. The program, established within the New Jersey Commission on Science, Innovation, and Technology, encourages development of innovation districts within New Jersey. Innovation districts promote the development or redevelopment of an area in a manner that facilitates collaboration between government, higher education institutions, and private enterprises, and are a strategic way to promote development in science and technology throughout the State. Municipalities may apply individually or jointly for designation of an area as an innovation district.

### *Stranded Asset Redevelopment Criterion*

On August 9, 2019 Governor Murphy signed into law Assembly Bill Number 1700 titled "An Act concerning the designation of certain areas as in need of redevelopment and amending P.L.1992, c.79." The law expands the eligibility criteria for designating certain areas as being in need of redevelopment. Specifically, the law amends Criterion B by added retail, shopping malls, and office parks to the list of discontinued uses.

### *Temporary Supplemental Zoning Board*

On August 9, 2019 Governor Murphy signed into law Senate Bill Number 3212 titled "An Act concerning municipal zoning boards of adjustment, supplementing P.L.1975, C.291, and amending P.L.2005, c. 133 and P.L.1991, c.256."

The law allows a municipality to establish a temporary, supplemental zoning board to address any backlog of applications. A municipality that determines a need for a supplemental zoning board must adopt an ordinance to establish one.

#### *Electric Charging Stations*

On November 6, 2019 Governor Murphy signed into law Senate Bill Number 606 titled "An Act encouraging local units to plan for electric vehicle charging infrastructure, and amending P.L. 1975, c.291, and P.L. 1992, C.;79." The law requires a Land Use Plan Element to illustrate the existing and proposed location of public electric vehicle charging infrastructure; a Circulation Plan Element to identify existing and proposed locations for public electric vehicle charging infrastructure; a Green Buildings and Environmental Sustainability Plan Element to consider, encourage, and promote the development of public electric vehicle charging infrastructure in locations appropriate for their development, including, but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops. Additionally, the law amended the requirements of a Master Plan Reexamination Report to add a new section "f" that contains the recommendations of the planning board concerning locations appropriate for the development of public electric vehicle infrastructure, including, but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops: and recommended changes, if any, in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.

#### *Long-Term Tax Exemptions*

On January 13, 2020, Governor Murphy signed into law Senate Bill Number 538 titled "An Act concerning long-term tax exemptions on certain low-income housing, amending P.L.1983, c.530, and supplementing P.L.1991, c.431 (C.40A:20-1 et seq.)." This law allows long-term tax exemption extensions for certain low-income housing. Previously, a property tax exemption could be granted to an affordable housing project for a maximum of 35 years, or until a loan provided by the New Jersey Housing and Mortgage Finance Agency was fully paid. This legislation permits a municipal governing body to continue a tax exemption for a State or federally subsidized housing project beyond the date of the payoff of the existing first mortgage as long as the project remains subject to certain affordability controls.

## COUNTY CHANGES

Since the 2018, Hunterdon County has prepared one document that does not affect land development within Lebanon, but it is detailed below.

#### *Parks and Open Space Strategic Plan*

Adopted on December 6, 2018, the Parks and Open Space Strategic Plan addressed the need to preserve open spaces, natural resources, provide parks and park facilities, offer educational and recreational opportunities, and create a future County Park system in accordance with the County's Growth Management Plan vision of the "protection of Hunterdon County's extensive network of natural resources and maintenance of its rural or scenic-rural landscape". The Open Space Plan provides an inventory of improved and unimproved parkland, recreational facilities, and educational programs.

The Plan found that Lebanon has a total of 48.45 acres of open space including 12.47 acres of municipal parks and open space, 8.34 acres of State parks and preserved open space, 1.92 acres owned by the Board of Education, and 25.71 acres of preserved farmland. The Plan did not identify any County-owned parks and open space within the Borough of Lebanon.

The Plan did not propose any properties within Lebanon to be acquired for park or open space acquisition. Additionally, there were no proposed trails to connect the Borough to any existing open space areas.

## MUNICIPAL CHANGES

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Since 2018, two changes have occurred in the Borough, which are detailed below.

### *Affordable Housing*

Since 2016, the Borough has been working to resolve its affordable housing litigation. The Borough of Lebanon negotiated with Fair Share Housing Center (hereinafter “FSHC” who is a special interest group that is a party to every affordable housing case) and Town Center at Lebanon, LLC (hereinafter “Town Center” a developer-intervenor in the action) over the course of the litigation. Eventually the Borough and FSHC and the Borough and Town Center reached settlements. The Settlement Agreement with FSHC was signed on September 19, 2019 and the Memorandum of Settlement with Town Center was signed on October 16, 2019. These agreements require the Borough to rezone Block 13.02, Lot 22 to permit a 30-unit inclusionary development, adopt a Borough-wide set-aside ordinance, and rezone or implement a Redevelopment Plan for Block 4, Lots 1.03 and 1.04 to permit a 280-unit inclusionary development. A Fairness Hearing was held before Judge Miller on November 22, 2019. On December 3, 2019 an Order was entered declaring the FSHC Settlement Agreement and Town Center Memorandum of Settlement fair and reasonable to the protected class.

The Borough adopted a new Housing Element and Fair Share Plan on May 12, 2020. Lebanon will now seek a final compliance hearing before the Court to request a Final Judgment of Repose and Compliance.

### *2020 Land Use Plan Element Amendment*

The Borough adopted a 2020 Land Use Plan Element Amendment (hereinafter “2020 LUPEA”) on March 10, 2020. This document was created to update the 1973 Land Use Plan Element within the 1973 Master Plan to reflect the requirements of Borough’s Settlement Agreement with FSHC and Memorandum of Settlement with Town Center. This includes the two new inclusionary sites and the Borough-wide set-aside ordinance. The 2020 LUPEA discusses the need to modify the 1973 Land Use Plan Element for these parcels, the planning justifications for multi-family residential development, and provides zoning recommendations for the properties in question.

## V. CHANGES RECOMMENDED FOR THE MASTER PLAN OR DEVELOPMENT REGULATIONS

This chapter of the 2020 Reexamination looks at specific changes that are recommended for the Master Plan and existing development standards, which includes the underlying objectives, policies, and standards. The remainder of this chapter is divided into two sections. The first provides recommendations regarding two lots known as “Town Center”. The second section provides recommendations related to stormwater management, which impacts development and redevelopment within the Borough.

### *Town Center*

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In response to the March 10, 2015 Supreme Court decision to strip the Council on Affordable Housing of all its powers and duties, Lebanon filed a Declaratory Judgment Action on July 8, 2015. Between 2015 and 2019 the Borough negotiated with FSHC and reached a settlement in September of 2019. The FSHC Settlement Agreement was executed on September 19, 2019. Additionally, Landwin Holdings, LLC, the owner of Block 4, Lots 1.03 and 1.04, was granted intervention in the Borough’s Declaratory Judgment Action in June of 2016. Subsequently, Town Center at Lebanon, LLC purchased the properties in April of 2018. A Memorandum of Understanding between the Borough of Lebanon and Town Center at Lebanon, LLC was executed on October 16, 2019, which permits a maximum of 280 residential units on the two lots, including a 20% affordable housing set-aside (56 units). Therefore, the Memorandum of Agreement with Town Center has created the need to modify Borough’s development regulations to create a new zone and/or redevelopment plan that will permit the inclusionary development.



A new zone or redevelopment plan is recommended for Town Center (Block 4, Lots 1.03 and 1.04), which would permit inclusionary multi-family development at a density of 12.6 - 13 units per acre, capped at a total of 280 units. The new zone/redevelopment plan should require an affordable set-aside of 20% despite the tenure. The new zone/redevelopment plan should include standards for bulk requirements, architectural design, lighting, landscaping, signage, parking, and trash. A detailed list of accessory uses should be included in the new zone/redevelopment plan. New definitions may also need to be added to the development regulations to codify the terms of the Memorandum of Understanding.

### Stormwater Management

The Borough of Lebanon is located in the Highlands Region Planning Area, where conformance is optional. The Borough petitioned for Plan Conformance in 2009. In November of 2010 the Highlands Council approved the Borough's petition for Plan Conformance for the entire municipality. Since that time, the Borough has been diligently drafting and adopting the requisite plan conformance documents and reports. The Highlands Council is now requiring the adoption of a Highlands Region Stormwater Management Program Stormwater Control Ordinance. This Ordinance would replace the Borough's existing Stormwater Management Ordinance.

The Ordinance establishes design and performance standards for the management of stormwater that addresses water quality, water quantity, and recharge. The purpose of the Ordinance is to establish minimum stormwater management requirements and controls on certain types of development within the Borough of Lebanon. The Ordinance is anticipated to contain the following sections:

- Definitions
- Design and performance standards for stormwater management measures
- Stormwater management requirements for major development
- Calculation of stormwater runoff and groundwater recharge
- Sources for technical guidance
- Solids and floatable materials control standards
- Safety standards for stormwater management basins
- Requirements for a site development stormwater plan
- Maintenance and repair
- Penalties
- Application and review fees

The ordinance may also address prime groundwater recharge areas and/or municipally-important groundwater recharge areas.

## VI. RECOMMENDATIONS CONCERNING THE INCORPORATION OF REDEVELOPMENT PLANS

This section contains recommendations of the Planning Board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law", P.L. 1992, c.79 (C.40A:12A-1 et seq.) into the land use plan element of the municipal Master Plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.

The Borough of Lebanon sought and continues to seek the establishment of a redevelopment designation (or a rehabilitation designation if the sites cannot be qualified under the redevelopment criteria) and a Redevelopment Plan for Block 4 Lots 1.01, 1.02, 1.03, 1.04, 1.05, 2, 5, 7, 8, and 9. The Council and Planning Board commenced the process to designate Block 4, Lots 1.01 through 1.05, 2, 5, 7, 8, and 9 as an area in need of redevelopment and/or rehabilitation in 2018. However, the process was stalled in 2019 due to potential litigation. The Borough seeks to

encourage private redevelopment within this area by leveraging the available tools under the Local Redevelopment and Housing Law, P.L. 1992, c.79 (C.40A:12A-1 et al.).

## VII. RECOMMENDATIONS CONCERNING ELECTRIC VEHICLE INFRASTRUCTURE

Presently, there are no electric vehicle charging stations within the Borough. There has been no discussion to install any within Lebanon. With that said, the Borough has no issue if a business or private property owner seeks to install an electric vehicle charging station on private property, so long as it meets all other applicable ordinances. If the Borough should have the need to draft an ordinance addressing electric vehicles charging stations, it would then write the ordinance. Until that time, each facility will be handled on a case by case basis.

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