



Clarke Caton Hintz

Architects
Planners
Landscape Architects

Eileen Swan
Executive Director
New Jersey Highlands Council
100 North Road
Chester, NJ 07930

Re: Regional Master Plan Update *Revised*
Lebanon Borough

Station Place
400 Sullivan Way
Trenton NJ 08628
clarkecatonhintz.com
Tel: 609 883 8383
Fax: 609 883 4044

December 8, 2009

Dear Ms. Swan:

On behalf of the Borough of Lebanon, Hunterdon County, please accept this letter as a revision of the formal request submitted July 31, 2009 for a Regional Master Plan Update. This revision consists of the addition of the Pizzo and Pizzo site Block 3 Lot 1 to those previously submitted parcels for which a map update is requested. This request includes supporting documentation including a factual narrative, aerial photography, and a completed revised Highlands RMP Update Form. Digital site plan files for the approved Bellemead development were submitted previously. This documentation details the updated factual information relating specifically to three parcels, Block 4 Lots 1.03¹ and 1.04 located within the Route 78 Corporate Center at Lebanon owned by the Bellemead Development Corporation and Block 3 Lot 1 owned by Pizzo and Pizzo Inc. The Pizzo site is under construction and the Bellemead site has final approval and has initial site work and infrastructure extension complete. We have also attached the initial response letter dated October 28, 2009 from Eileen Swan, Executive Director, Highlands Council.

John Clarke, FAIA
Philip Caton, FAICP
Carl Hintz, AICP, ASLA
John Hatch, AIA
George Hibbs, AIA
Brian Slauch, AICP
Michael Sullivan, AICP

Bellemead Sites Block 4 Lots 1.03 and 1.04 and the Pizzo Site Block 3 Lot 1

Currently these lots are designated as "Protection Zone" as established by the Highlands RMP 2008. Examination of the 2002 aerial photograph on the following page, which was used as part of the basis for the Land Use Capability Map designation, appears to indicate the parcels are wooded and part of an important contiguous forest area. However, updated aerials from 2008 indicate substantial development has occurred to

¹ One very important clarification should be made regarding the parcel known as Block 4 Lot 1.03. This parcel is displayed as Block 4 Lot 1.06 on the NJHC Geo Database. This improper identification of the parcels should be corrected for future reference. For the purposes of this letter, reference to the parcel will remain as Block 4 Lot 1.03.



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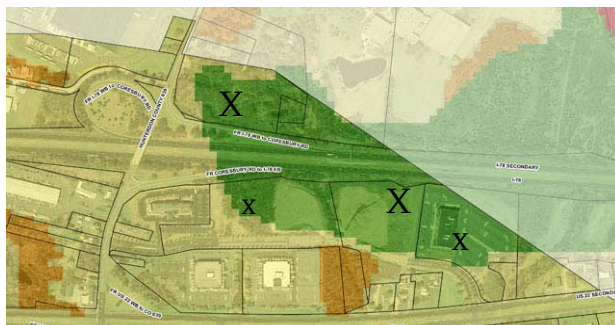
the overall site. Two parcels lots 1.05 and 1.06 which are depicted as vacant on the 2002 aerial have been constructed. The remaining interior lots 1.03 and 1.04 have been cleared and graded. Sanitary sewer connection lateral stubs, roadways, drainage, landscaping, water main, and curbing, have already been installed on these lots. The Pizzo site has been cleared and is under construction. The important forest resource once located on these sites and specifically on the three lots in question no longer exists.



2002 Aerial Photograph of Rout 78 Corporate Center, Source: State of New Jersey, Office of Information Technology New Jersey 2002 High Resolution Orthophotography captured during February-April, 2002

Evaluation of Forest Resource Bellemead Site:

Field investigation of Lot 1.04 to the east outside the stream corridor revealed low growing woody perennials and annual weeds. Lot 1.03 has an isolated portion of low value woodlands consisting primarily of non-native invasive understory species and pole sized trees. Some Pin Oak and Norway Maple trees from 6-10 inches in diameter can be found along the border with Highway 78. The Pizzo site to the north of the Rt. 78 interchange has also been cleared and is under construction for multifamily residential development. The Protection Zone resources depicted on the Land Use Capability Map below have been significantly altered by these developments.





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2008 Aerial Photograph of Route 78 Corporate Center

Development Status of the Bellemead Site

Due to the extremely challenging current economic conditions Bellemead has not yet built the approved buildings on Lot 1.03 (131,500 square feet) and Lot 1.04 (100,000 square feet). Eventual development of these lots will constitute infill development as these two sites are surrounded by the other fully developed sites within this office park.

Approval History

- The Lebanon Borough Planning Board granted Final Site Plan approval to the Route 78 Corporate Center on April 11, 2001. Site Plan approval is vested on these lots until April 11, 2011.
- On November 20, 1986, DEP issued a Sewer Extension Permit No. S86-6553-4 to Lebanon Borough Sewer Authority for construction and operation of a sanitary sewer extension for the five commercial office buildings comprising the Route 78 Corporate Center at Lebanon. Bellemead Corporation entered into a sewer allocation agreement with the Lebanon Borough Sewer Authority to ensure the buildings within the Corporate Center at Lebanon would have the sewerage capacity needed to operate. This sewer allocation was successfully defended in the New Jersey Supreme Court in 2006.



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- On October 4, 2001 Bellemead obtained a NJDEP Stream Encroachment Permit and a Freshwater Wetlands Transition Area Waiver Permit, and thereafter completed the development work including stormwater management improvements and grading on Block 4 Lots 1.03 and 1.04 authorized by that permit. The “stubouts” from the manholes for the lots in question were installed when the lines were extended from Corporate Drive into the lots during the time that the Marriott on Lot 1.06 and Merck on Lot 1.05 were being built.

LUCM Subzone Error Pizzo and Pizzo Site Block 3 Lots 1

Currently these lots are designated as “Protection Zone” as established by the Highlands RMP 2008. Examination of the 2008 aerial photograph on page 2, which was used as part of the basis for the Land Use Capability Map designation, appears to indicate the parcels are wooded and part of an important contiguous forest area. However, the site is cleared and under construction for multifamily residential dwellings.

Request to Remove Block 4 Lots 1.03 and 1.04 and Block 3 Lot 1 from Protection Zone

The LUCZ designation for Block 4 Lots 1.03 and 1.04 and Block 3 Lot 4 is “Protection Zone” and the lots are therefore severely restricted for continued implementation of the approved developments. As stated in the Highlands RMP, Protection Zone is a region that consists of high value resources. Currently both lot 1.03 and 1.04 are cleared and graded within the area of proposed construction with the remainder of the parcel along the stream corridor to be left forested per a condition of Final Site Plan approval and the NJDEP Stream Encroachment Permit. A small isolated area of low value woodlands remains standing on lot 1.03.



Aerial Photo of Isolated Wood Lot Block 4 Lot 1.03



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The Pizzo site, Block 3 Lot 1, which lies to the north of the Rt. 78 Corporate Park is cleared and under construction for multifamily residential development. Geographically, these parcels are isolated from contiguous Protection Area by two major transportation corridors, Route 78 and Route 22, and surrounded by a fully developed corporate office park. The Borough requests the underlying assumptions about conditions present on this site be re-evaluated in light of the additional factual information provided herein and the RMP be updated to remove these parcels from "Protection Zone".

Documents Attached

As an appendix to this revised RMP update final plats for the Bellemead Site in PDF format as well as a grading plans and approximate building locations for Lots 1.03 and 1.04 have been previously submitted. We have also included a RMP Update Form from the Highlands Council website requesting a Land Cover update.

Lebanon Borough acknowledges the importance of conformance to the NJ Highlands RMP and on November 12, 2009 adopted a Resolution of Intent to Conform in the Planning Area. To that end we anticipate the Highlands Council's favorable decision on this RMP update request.

Should you require any additional information or clarification please do not hesitate to contact our office.

Very truly yours,

Carl E. Hintz, PP, AICP, ASLA, CLA

C: Mark Paradis, Mayor Borough of Lebanon
Alexander Saharic, Planning Board Chairman
Daniel Flynn, Ferriero Engineering
Glenn S. Pantel, Esq.
Diana E. Fainberg, PP, AICP



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RMP Updates Form

The Regional Master Plan (RMP) Updates Program is designed to coordinate the exchange and verification of updated, relevant factual information. This ensures that the Highlands Council and its municipalities and counties will be using the most current data during Plan Implementation and Plan Conformance. We ask that RMP Updates are coordinated with the appropriate municipality so they can work with the Highlands Council to address RMP Updates comprehensively for lands within their jurisdiction. The Highlands Council is developing an online system for the collection of RMP Updates which will be the preferred method for RMP Updates. There may also be a separate system for aggregation of multiple RMP Updates from municipalities during Plan Conformance. It is important to note that RMP Updates do not necessarily result in a change in Zone designation on the Highlands Council's Land Use Capability Zone Map.

Please complete the following:

The following RMP Updates **only** apply for the Tax Block and Lot Numbers listed below for the following feature: (**check only one**)

- ☐ Existing Parcel not represented in the Highlands Council Geographic Information System
- ☐ Existing Parcels Currently Served with Wastewater Treatment Other than Septic Systems
- ☐ Existing Parcels Currently Supplied with Potable Water
- ☒ Existing Land Cover
- ☐ Existing Preserved Open Space Parcels

Preparer Information

Submitted By: First Name: <u>Carl</u>	Last Name: <u>Hintz</u>
Address: <u>100 Barracks Street, Trenton, NJ 08608</u> Tel: <u>609-896-2363</u> email: <u>chintz@cchnj.com</u>	
Affiliation (<u>please select one</u>): <input type="checkbox"/> Mayor <input checked="" type="checkbox"/> Consultant on behalf of municipality <input type="checkbox"/> Municipal Administrator	
<input type="checkbox"/> Attorney on behalf of municipality <input checked="" type="checkbox"/> Professional Engineer or Planner: License # <u>1217</u>	
Other: _____	

Property Information

State Standard Numeric (SSN): <u>1002</u>	County Name: <u>Hunterdon</u>
Municipality Name: <u>Lebanon Borough</u>	Tax Block Number: <u>Block 4</u>
Tax Lot Number: <u>Lot 103/104</u>	Tax Lot Qualifier: <u>Vacant Land</u>
(specify condo units, common areas, farm homestead or qualified farm)	
Acreage: <u>lot 1.03 12.20 AC, lot 1.04: 10 AC</u> (Calculation based on area of feature)	
New Jersey Property Tax System (MOD IV) Property Class Code: <u>1 Vacant Land</u>	

- ☐ The above listed parcel(s) is **not** represented in the Highlands Councils Geographic Information System.

Effective date lot was in existence: Final Approval April 11, 2001



For all new parcels include the above information and fully executed Final Subdivision or Site Plans in digital format. All parcel data must at least meet the appropriate County's Digital Parcel Data Standards.

Existing Parcels Currently Served with Wastewater Treatment Other than Septic Systems

To support an RMP Update to identify Existing Parcels Currently Served with Wastewater Treatment Other than Septic Systems, the Highlands Council requires the submission of any one of the following: (**Check One**)

- ☐ NJDEP approval for Existing Area Served pursuant to Water Quality Management Planning (N.J.A.C. 7:15) Rules;
- ☐ Existing billing record with appropriate property location information;
- ☐ NJDEP Treatment Works Approval with fully executed As-Built Plans;
- ☐ NJPDES discharge permit for an on-site treatment and discharge system, with Block & Lot identified; or
- ☐ Utility engineer certified map or plan with Block & Lot identified.

The above supporting documentation was sent via: ☐ email ☐ mail ☐ hand delivered ☐ other: _____

Include all of the following information:

NJPDES Permit Number: _____
Permitted Facility Name: _____
Discharge Type: ☐ Surface ☐ Ground
Portion of Service Area Located Within Highlands Region (Acres): _____
Total Permitted Capacity in Million Gallons Per Day (MGD): _____
Highlands Portion of Permitted Capacity in Million Gallons Per Day (MGD): _____
Total Max 3 Month Discharge in Million Gallons Per Day (MGD) - Include Months (Last 5 years)
_____ Months: _____ Year: _____
Highlands Portion of Max 3 Month Discharge in Million Gallons Per Day (MGD): _____
Current Available Highlands Capacity in Million Gallons Per Day (MGD): _____

To support an RMP Update to remove a parcel from Existing Parcels Currently Served with Wastewater Treatment Other than Septic Systems, the Highlands Council requires the submission of the following:

- ☐ NJDEP approval for a Wastewater Management Plan identifying the parcel as being within the wastewater management area for discharges to ground water less than 2,000 gallons per day, pursuant to Water Quality Management Planning (N.J.A.C. 7:15) Rules; and
- ☐ Certification based on billing records of the wastewater utilities serving the municipality that the property is not connected to the system (where applicable); and
- ☐ Where a portion of a parcel is not within the EAS, a digital survey of the portion of the parcel that should be removed from the EAS.



The above supporting documentation was sent via: ☐ email ☐ mail ☐ hand delivered ☐ other: _____

Existing Parcels Currently Supplied with Potable Water

To support an RMP Update to Existing Parcels Currently Supplied with Potable Water, the Highlands Council requires the submission of any one of the following: (**Check One**)

- ☐ NJDEP Approved Master Permit (N.J.A.C. 7:10-11.10), plus written local utility approval of the connection based upon the Master Permit;
- ☐ NJDEP Approved Initial or Renewal Physical Connection Permit (N.J.A.C. 7:10-10.5);
- ☐ Quarterly Physical Connection and Maintenance Report (N.J.A.C. 7:10-10.6);
- ☐ NJDEP Approved permit to construct or operate a new public community water system (7:10-11.5);
- ☐ NJDEP Approved certification of new, altered or replacement nonpublic or public non-community water systems (N.J.A.C. 7:10-12.39); or
- ☐ Existing billing record with appropriate property location information.

Include all of the following information:

Public Water System Identification Number (PWSID): _____

Purveyor Name: _____

Total Water Supply in Million Gallons Per Month (MGM): _____

Total Water Demand in Million Gallons Per Month (MGM): _____

Maximum Monthly Water Demand in Million Gallons Per Month (MGM) - Include Month (Last 5 years)

_____ Month: _____ Year: _____

Available Water Capacity in Million Gallons Per Month (MGM): _____

The above supporting documentation was sent via: ☐ email ☐ mail ☐ hand delivered ☐ other: _____

Existing Land Cover

To support an RMP Update to Existing Land Cover, the Highlands Council requires the submission of one of the following: (**Check One**)

- ☒ If the property has been developed a set of fully executed As-Built Plans in digital format clearly indicating the developed and impervious areas; or a digital site survey clearly delineating developed and impervious areas prepared by a qualified New Jersey licensed professional engineer and the plans shall bear the engineer's seal as required by N.J.S.A. 45:8-45; or
- ☐ If digital As-Built Plans or site surveys are not available, but the developed and impervious areas are clearly visible from current aerial photography, provide the aerial photo and spatial file. The aerial photo must be georeferenced and the spatial file must comply with the Highlands Councils digital data standards which ensures spatial accuracy and documentation; or



- ☐ If a previously developed area where the developed land use has been removed an aerial image of the current land cover must be provided with Block & Lot identified.

The above supporting documentation was sent via: ☐ email ☐ mail ☐ hand delivered ☐ other: _____

Existing Preserved Open Space Parcels

To support an RMP Update to Existing Preserved Open Space, the Highlands Council requires the submission of a copy of the Existing Deed and any one of the following: (**Check One**)

- ☐ Fully executed conservation easement and mapped delineation of the area to which the easement applies if not the full parcel;
- ☐ Municipal or County resolution; or
- ☐ Recreation and Open Space Inventory with Block and Lot.

The above supporting documentation was sent via: ☐ email ☐ mail ☐ hand delivered ☐ other: _____

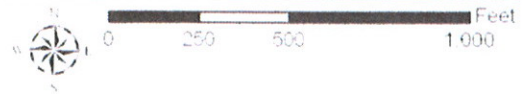
Figure 3

Bellemead Development Corporation Site
Lebanon Borough, Hunterdon County
RMP Update No. 1018-00001-102009



Updated Land Use Capability Zone

- PROTECTION ZONE
- CONSERVATION ZONE
- CONSERVATION ENVIRONMENTALLY CONSTRAINED SUBZONE
- EXISTING COMMUNITY ZONE
- EXISTING COMMUNITY ENVIRONMENTALLY CONSTRAINED SUBZONE
- LAKE COMMUNITY SUBZONE
- WILDLIFE MANAGEMENT AREA





JON S. CORZINE
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.highlands.state.nj.us



JOHN R. WEINGART
Chairman

EILEEN SWAN
Executive Director

October 28, 2009

Honorable Mark Paradis
Borough of Lebanon
6 High Street
Lebanon, NJ 08833

RE: **Lebanon Borough, Hunterdon County RMP Update
Block 4 Lots 1.03* & 1.04**

Dear Mayor Paradis:

On behalf of the New Jersey Highlands Water Protection and Planning Council (Highlands Council), I write in response to the above referenced Regional Master Plan (RMP) Update request. The Highlands Council is in receipt of a letter on behalf of Lebanon Borough from Carl E. Hintz of Clarke Caton Hintz dated July 31, 2009, and supporting documentation that was submitted regarding the above captioned parcels. The information provided confirms the current and existing conditions of portions of the subject parcels and is sufficient for an RMP Update.

The RMP Updates Program is designed to facilitate and coordinate the exchange of "new, corrected or updated factual information and verification by the Highlands Council." (Highlands Regional Master Plan, Policy 6A2 & 6G1, see Chapter 6, Part 1, Subpart B.) The purpose of the program is to ensure that the RMP reflects the most current data for use during Plan Conformance. For approval of an RMP Update, the information or data submitted must satisfy the Highlands Council's Digital Submission Standards set forth in the RMP, and then must be verified by the Highlands Council. Only factual information, where appropriately documented and verified, may be updated by the Highlands Council.

As a result of the request by Lebanon Borough, the Highlands Council examined the existing Land Use Capability Map (see Figure 1), the existing conditions of the disturbed areas (see Figure 2) and hereby approves an RMP Update to reclassified portions Block 4 Lots 1.03*, 1.04 and 1.05 as Existing Community Zone (see Figure 3). An RMP Update with report with a detailed analysis will follow.

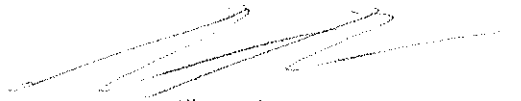
* It should be noted that Block 4 Lot 1.03 is represented in the Highlands Parcel Data as Block 4 Lot 1.06

October 28, 2009

Page 2

The Highlands Council looks forward to continued collaboration with Lebanon Borough as we embark on Plan Conformance with the RMP. Should you have any questions or concerns with the foregoing, please contact me at (908) 879-6737.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Eileen Swan', with a long horizontal flourish extending to the right.

Eileen Swan
Executive Director

c: C. Hintz
G. Pantel, Esq.

Figure 1

Bellemead Development Corporation Site
Lebanon Borough, Hunterdon County
RMP Update No. 1018-00001-102009

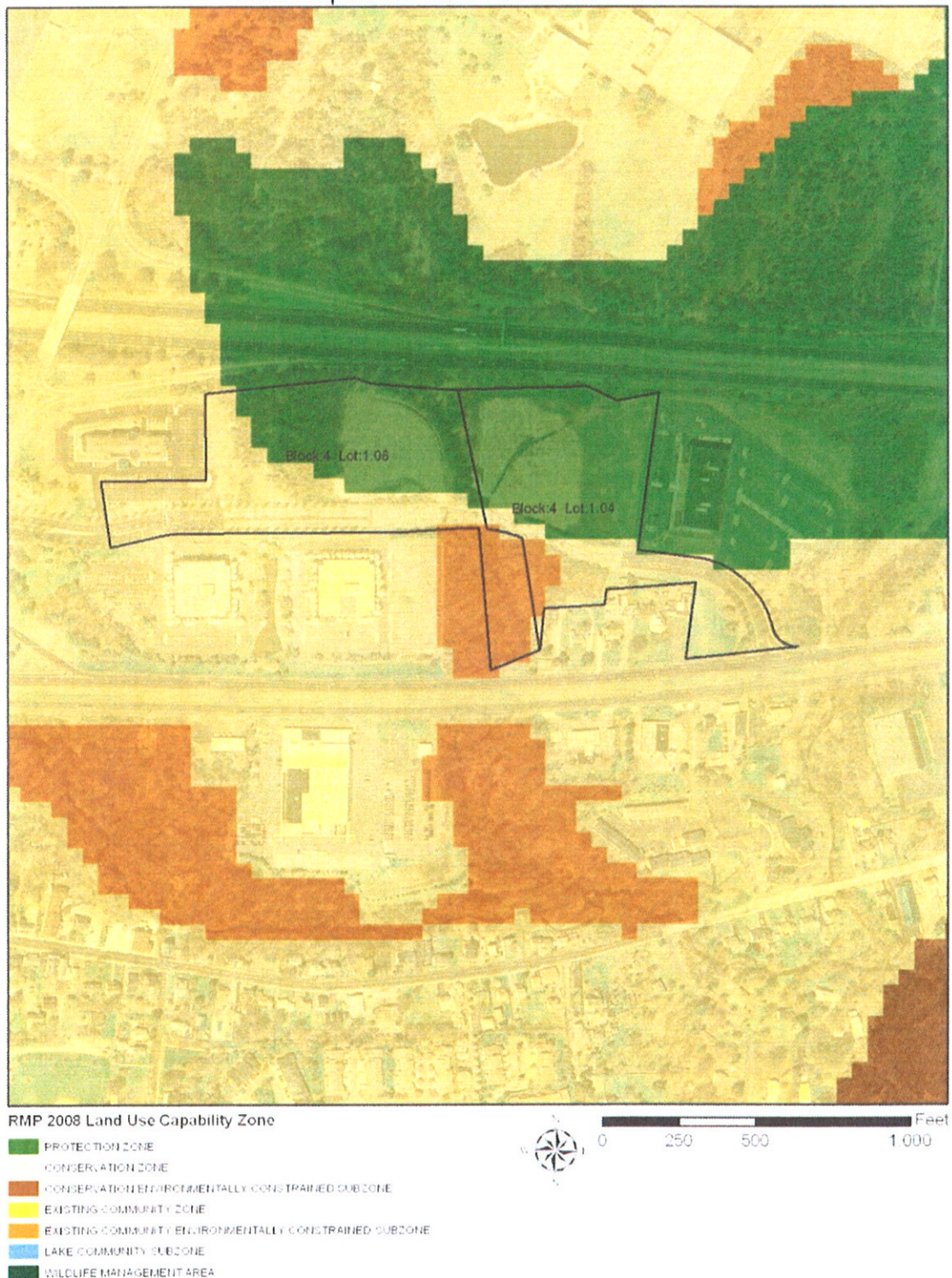


Figure 2

Bellemead Development Corporation Site
Lebanon Borough, Hunterdon County
RMP Update No. 1018-00001-102009

