



RESOLUTION

TO AMEND THE MASTER PLAN OF THE TOWNSHIP OF LEBANON TO INCLUDE THE SUPPLEMENT TITLED, "LEBANON TOWNSHIP HIGHLANDS MASTER PLAN ELEMENT", PREPARED FOR ADOPTION PURSUANT TO N.J.S.A. 40:55D-28, AND TO ADOPT A SUPPLEMENTAL REEXAMINATION REPORT OF THE LEBANON TOWNSHIP MASTER PLAN PURSUANT TO N.J.S.A. 40:55D-89, SPECIFICALLY WITH RESPECT TO THE PROVISIONS OF THE NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING ACT (N.J.S.A. 13:20-1 ET SEQ.) AND MUNICIPAL CONFORMANCE WITH THE HIGHLANDS REGIONAL MASTER PLAN

WHEREAS, the Planning Board of the Township of Lebanon, Hunterdon County, State of New Jersey ("Planning Board"), was established pursuant to all requirements and provisions of the New Jersey Municipal Land Use Law (MLUL) (N.J.S.A. 40:55D-1 et seq.); and

WHEREAS, the Planning Board adopted the current Lebanon Township Master Plan pursuant to Article 3 of the MLUL (N.J.S.A. 40:55D-28) on September 2001 (most recent revision November 2005); and

WHEREAS, N.J.S.A. 40:55D-89 provides that each municipality within the State of New Jersey periodically re-examine its Master Plan policies and assumptions, zoning restrictions, and site plan and subdivision regulations, and prepare and adopt by resolution a report on the findings of such reexamination; and

WHEREAS, the Planning Board has conducted such periodic reexaminations of the Master Plan since the initial date of its adoption and adopted reports setting forth its findings of each such reexamination, in accordance with the provisions of N.J.S.A. 40:55D-89; and

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 (RMP) was adopted by the Highlands Council 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, 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 within the Preservation Area and voluntary Plan Conformance for any portion of a municipality lying within the Planning Area; and

WHEREAS, Section 14 of the Highlands Act expressly requires that municipalities must revise and conform their local master plan and development regulations for that portion of their lands within the Preservation Area, as related to development and use of said lands, with the goals, requirements and provisions of the Regional Master Plan within 15 months of the effective date 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 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 Township of Lebanon is located in the Highlands Region with lands lying within both the Preservation and Planning Area as defined by section 7 of the Highlands Act; and

WHEREAS, on December 1, 2009 the Planning Board did hold a noticed public meeting for the purpose of initiating a public discussion concerning conformance with the Regional Master Plan and the components of the municipality's Petition for Plan Conformance to the Highlands Council, including specifically, the Highlands Master Plan Element for the Preservation and Planning Areas; and

WHEREAS, on December 2, 2009 and January 20, 2010 the Township Committee of the Township of Lebanon, held noticed public meetings after which it adopted Resolution No. 01-2010, a resolution noticing of its intent to Petition the Highlands Council for Plan Conformance with respect to that portion of the municipality located within the Highlands Preservation Area and Planning Area; and

WHEREAS, the Planning Board did subsequently conduct a reexamination of the municipal master plan and land use regulations, in view of the model Highlands Master Plan Element and model Highlands Area Land Use Ordinance provided by the Highlands Council, to identify the specific changes needed to conform the municipal planning documents to the goals, requirements and provisions of the Regional Master Plan; and

WHEREAS, the Planning Board reexamination was assisted by preparation of detailed, draft versions of the Master Plan Highlands Element and Highlands Area Land Use Ordinance, each tailored by municipal staff and professionals, to the specific circumstances of Lebanon Township, providing for a comprehensive and explicit representation of the changes required to conform these documents to the Regional Master Plan; and

WHEREAS, the Planning Board reexamination was completed over the course of a 35-month period May 2009 to April 2012, inclusive of a collaborative process with the Highlands Council specifically to ensure that all necessary master plan and regulatory provisions necessary for Plan Conformance were appropriately considered; and

WHEREAS, on December 8, 2009 did submit the Petition for Plan Conformance to the Highlands Council; and

WHEREAS, on October 13, 2011, during a duly-noticed public hearing and following receipt of public comment and public deliberation, the Highlands Council did approve the Township's Petition for Plan Conformance and did formalize such approval through the adoption of Highlands Council Resolution No. 2011-36; and

WHEREAS, Highlands Council Resolution No. 2011-36 requires the Township, after public notice, holding of public hearings, and in full accordance with all provisions of the MLUL, to adopt a revised master plan and land use ordinance to bring them into conformance with the Regional Master Plan; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, and in accordance with all associated requirements of the MLUL, the Planning Board held a public hearing on the Reexamination of the Lebanon Township Master Plan and the proposed Highlands Master Plan Element pursuant to N.J.S.A. 40:55D-10(a), on April 3; and

WHEREAS, the Planning Board has determined after reexamination of the master plan, receipt of public comment, and public deliberation regarding same, that the Lebanon Township Master Plan must be amended to incorporate the goals, requirements and provisions of the Regional Master Plan; and

WHEREAS, the Planning Board has determined that the adoption and implementation of the Highlands Element of the Master Plan is in the public interest and protects public health and safety and promotes the general welfare.

NOW, THEREFORE BE IT RESOLVED, that the Planning Board hereby makes and adopts the findings of fact and all recommendations as set forth in the "2012 Lebanon Township Master Plan Reexamination Report," dated April 2012, prepared by Michael P. Bolan, P.P., a reexamination of the Lebanon Township Master Plan and development regulations conducted specifically to address the task of achieving conformance with the provisions of the New Jersey Highlands Water Protection and Planning Act (N.J.S.A. 13:20-1 et seq.) and the Highlands Regional Master Plan.

BE IT FURTHER RESOLVED, that the Lebanon Township Planning Board hereby adopts the Lebanon Township Highlands Master Plan Element, dated April 2012, and prepared by

Michael P. Bolan, P.P. based upon the model Master Plan Highlands Element provided to Highlands municipalities by the Highlands Council.

A Motion for adoption of this Resolution was made by **Mr. Piasecki**
and seconded by **Ms. Bleck**

ROLL CALL VOTE:

AYES: **Mr. Milkowski, Mr. Gerlich, Mr. Piasecki, Mr. MacQueen,**
 Ms. Bleck, Mr. Wunder

NAYS: **Mr. Schmidt, Mr. Rich, Mr. Weiler**

THOSE ABSTAINING: **Mr. Laul, Mr. Skidmore**

THOSE ABSENT: **NONE**

The foregoing Resolution was duly adopted by the Lebanon Township Planning Board at a meeting held on **April 3, 2012.**



GAIL W. GLASHOFF, PLANNING BOARD CLERK