



LEBANON BOROUGH
PLANNING BOARD & BOARD OF ADJUSTMENT
MINUTES
Wednesday, November 10, 2020

The Regular meeting of the Lebanon Borough Planning Board/Board of Adjustment was called to order by Chairman at 7:00 P.M.

The meeting was convened in compliance with the Open Public Meetings Act of 1975. Three local newspapers were notified, and a notice is posted at Borough Hall.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited by all.

MOMENT OF SILENCE

Chairman Saharic called for a moment of silence for our fallen soldiers.

ROLL CALL:

Members Present: Alexander Saharic, Dr. Christopher Uchrin, Councilman Berger, Henry Hopkins, David Abeles, Mayor Pittinger, and Joseph Hauck,
Absent: William Skene, William Wilson, Ron Lapczynski and James Newman
Also present: Karen M. Romano Planning Board Sec.

MINUTE APPROVAL:

Councilman Berger moved, and Dr. Uchrin seconded, a motion for the approval of the Minutes of October 13, 2020.

The motion passed with the following roll call vote:

Ayes: Saharic, Hauck, Uchrin, Abeles, Hopkins, Pittinger, and Berger
Absent Skene, Wilson, Lapczynski, and Newman
Abstain:

EXPENDITURE APPROVAL:

No Expenditure

Attorney Jonathan Drill Esq. swore in Brad Wetzel and Joe Hauck.
Brad explained the request for an addition to the front porch.
Mr. Hauck confirmed the testimony and added he did not see anything prevent Mr. Wetzel from moving forward.

Attorney Drill stated upon his review everything was in order and presented the resolution for approval by the Board.

Mr. Hauck moved, and Councilman Berger seconded, a motion to Memorialize Resolution 2020-09 allowing the addition to the front porch on 13.02 Lot 33.

MEMORIALIZATION OF RESOLUTION 2020-09 WETZEL BLOCK 13.02 LOT 33

LEBANON BOROUGH PLANNING BOARD/BOARD OF ADJUSTMENT

**BRADLEY WETZEL
BLOCK 13.02, LOT 33
2 LOCUST DRIVE**

APPLICATION NO. 2020-01

RESOLUTION MEMORIALIZING GRANT OF “C(1)” AND “C(2)” BULK VARIANCES TO ALLOW PROPOSED NEW PORCH ADDITION TO ENCROACH INTO THE 50-FOOT FRONT YARD SETBACK AREA AND TO BE LARGER THAN THE MAXIMUM PERMITTED 8-FOOT WIDE BY 4-FOOT DEEP, AND “C(2)” VARIANCE TO ALLOW THE PROPOSED 2-STORY ADDITION WITH LIVABLE FIRST FLOOR SPACE LESS THAN THE MINIMUM REQUIRED 7,000 SF

RESOLUTION NO. 2020-09

WHEREAS, Bradley Wetzel (the “**applicant**”) own a 0.751-acre lot situated in the R-20 residential zoning district (the “**R-20 zone**”) designated on the Lebanon Borough tax maps as Block 13.02, Lot 33 (the “**property**”), which property has a street address of 2 Locust Drive but is a corner lot, located at the corner of Locust Drive and Lynwood Drive, and the property is presently developed with a 1-1/2 story frame “Cape Cod” style dwelling (the

“existing dwelling”) with an 8-foot wide by 4-feet deep concrete pad porch (the “existing porch”);

WHEREAS, the applicant proposes to construct two (2) additions to the existing dwelling, the first being a 2-story approximately 620 square foot addition to the northern side of the existing dwelling to create additional living space (the “**proposed 2-story addition**”), and the second being a 14-foot wide by 8-feet deep, 112 square foot, porch addition (the “**proposed porch addition**”) to replace the existing porch (the proposed 2-story addition together with the proposed porch addition are referred to as the “**proposed development**”), and the applicant made application (the “**application**”) to the Lebanon Borough Planning Board and Board of Adjustment (the “**Board**”) 1 for “c” variances to allow the proposed porch addition to encroach into the 50-foot front yard setback requirement and to be 8-feet wide by 14-feet long, which is wider than the 8-foot width maximum and 4-foot depth maximum set forth in the Borough ordinance, and the Board determined that the applicant also required a “c” variance to allow the proposed 2-story addition as the ordinance provides that in a 2-story dwelling the livable first floor area shall not be less than 7,000 square feet and the livable first floor area of the entire dwelling after constructing the proposed 2-story addition will be approximately 1,850 square feet (the livable floor area of the first floor of the existing dwelling is 1,231 square feet and the livable floor area of the proposed 2-story addition is approximately 620 square feet);

WHEREAS, in the absence of the application requesting for site plan approval, the “c” variances confer exclusive subject matter jurisdiction over the application with the Board in its capacity as a zoning board of adjustment pursuant to N.J.S.A. 40:55D-20 by reason of N.J.S.A. 40:55D-70c and -25c; 2

WHEREAS, the application was deemed to be complete;

WHEREAS, the following documents were submitted with regard to the application, are on file with the Board, and are part of the record in this matter:

1. Application form dated August 3, 2020 with accompanying application documents,
2. Copy of survey of the property undated showing the existing dwelling and setbacks from the property lines,
3. Construction plans titled “Wetzel Residence, 2 Locust Drive, Lebanon, New Jersey, prepared by the applicant dated July 23,

1 The Board is a planning board which has the authority to exercise the powers of a zoning board of adjustment pursuant to N.J.S.A. 40:55D-25c.

2 Because the applicant has applied for “c” variances without site plan approval (individual lot applications involving detached single or two-family dwellings unit building are exempt from site plan pursuant to N.J.S.A. 40:55D-37a), the Board in this application acts in its capacity as a zoning board of adjustment pursuant to N.J.S.A. 40:55D-70c. (If site plan approval was sought along with “c” variances, the Board would act in its capacity as a planning board in accordance with N.J.S.A. 40:55D-60, which provides that whenever a development requires approval of a subdivision, site plan or conditional use but not a variance pursuant to N.J.S.A. 40:55D-70d, the planning board shall have the power to grant variances pursuant to N.J.S.A. 40:55D-70c.)

2020 (the “**plans**”), consisting of the following six (6) sheets: cover sheet (showing existing dwelling, existing pool, proposed 2-story addition and proposed porch addition), sheet A-1 (floor plans), sheet A-2 (elevations), sheet A-3 (building sections), sheet A-4 (electric plans), and A-5 (framing plans), and

4. Engineering review email dated September 8, 2020 sent by Board engineering expert Robert Brightly, PE and applicant’s response email dated September 10, 2020;

WHEREAS, a duly noticed public hearing was held on the application, commencing on October 13, 2020, and continuing to and concluding on November 10, 2020, with proofs of service and publication of the notices being submitted to and on file with the Board, thereby conferring procedural jurisdiction over the application with the Board, during which hearing the applicant appeared pro se and the Board was represented by Jonathan E. Drill, Esq.;

WHEREAS, the following witnesses testified during the hearings and were subject to cross examination, which testimony is part of the record in this matter:

1. Bradley Wetzel (applicant);

WHEREAS, no exhibits were entered into evidence during the hearing, and no interested parties or members of the public appeared at the hearing to question witnesses, testify, present witnesses to testify or otherwise submit evidence;

WHEREAS, AFTER CONSIDERING THE APPLICATION, DOCUMENTS, AND TESTIMONY REFERENCED ABOVE, AND GIVING APPROPRIATE WEIGHT TO SAME, AND BASED ON ITS UNDERSTANDING OF THE APPLICABLE LAW, THE BOARD MAKES THE FOLLOWING FACTUAL FINDINGS AND LEGAL CONCLUSIONS FOR THE PURPOSE OF MEMORIALIZING IN A WRITTEN RESOLUTION IN ACCORDANCE WITH N.J.S.A. 40:55D-10g(2) ITS ACTION IN GRANTING THE APPLICATION SUBJECT TO CONDITIONS AS SET FORTH BELOW:

A. FACTUAL FINDINGS AND LEGAL CONCLUSIONS

1. The Property, Zoning, Prior Approvals and Existing Building and Use.

As set forth above, the property is a 0.751-acre lot situated in the R-20 zone, which property has a street address of 2 Locust Drive but is a corner lot, located at the corner of Locust Drive and Lynwood Drive. As also set forth above, the property is presently developed with the existing dwelling (a 1-1/2 story frame “Cape Cod” style dwelling) with an existing porch (an 8-foot wide by 4-foot deep concrete pad porch). There also exists a swimming pool to the rear of the existing dwelling.

2. **The Proposed Development, Application, and Required and Requested Variance Relief.** As set forth above, the proposed development consists of two (2) additions, a proposed 2-story addition to the northern side of the existing dwelling and a proposed porch addition to the front (the western side) of the existing dwelling. The proposed 2-story addition is an approximately 620 square foot addition and will create additional living space for the applicant. The proposed porch addition is a 14-foot wide by 8-foot deep, 112 square foot, porch to replace the existing porch which is 8-foot wide by 4-foot deep, and the proposed porch addition will be 42-feet, 8-inches setback from the front property line. "C" variances are required to allow the proposed porch addition to encroach into the 50-foot front yard setback requirement and to exceed the maximum permitted size as set forth in the Borough ordinance. Specifically, ordinance section 9.10-5 requires a minimum front yard setback of 50-feet and ordinance section 9.08 provides that the maximum size of an entrance porch is 8-foot wide with a maximum depth (the ordinance provides the maximum projection out from the front of the dwelling) of 4-feet. The proposed porch addition will be setback from the front property line 42-feet, 8-inches, which is a 7-foot, 4-inch encroachment into the front yard setback area. The proposed porch addition would be 112 square feet in size (14-foot wide by 8-foot deep) where the maximum size permitted is 32 square feet (8-foot wide by 4-foot deep). The Board considered the variance allow the proposed porch addition to encroach into the front yard setback under the "c(1)" or so-called "hardship" rubric, and the Board considered the variance to allow the proposed porch addition to exceed the maximum size limitations under the "c(2)" or so-called "benefits v. detriments" rubric. As also set forth above, the Board determined that the applicant also required a "c" variance to allow the second story of the proposed 2-story addition to be constructed as the Borough ordinance section 9.10-8 provides that, "[i]n a two (2) story dwelling, the livable first floor area shall not be less than seven thousand (7,000) square feet", and the livable first floor area of the entire dwelling after constructing the proposed 2-story addition will be approximately 1,850 square feet (the livable floor area of the first floor of the existing dwelling is 1,231 square feet and the livable floor area of the proposed 2-story addition is approximately 620 square feet). The Board considered this variance under the "c(2)" rubric.

3. **Standards for Considering the "C" Variances.** The Board has the power to grant "c(1)" or so-called "hardship" variances in accordance with N.J.S.A. 40:55D-70c(1) and "c(2)" or so-called "benefits v. burdens" variances in accordance with N.J.S.A. 40:55D70c(2). The two different types of "c" variances require the application of two different standards. Those standards are as follows:

a. **Standards for Considering a "C(1)" Variance.** The Board has the power to grant "c(1)" variances from zoning ordinance regulations pursuant to N.J.S.A. 40:55D-70c(1) where "(a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, (b) or by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the structure lawfully existing thereon, the strict application of any regulations...would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such property." The "hardship" that the applicant must prove is not inutility, meaning that without the variance the property would be zoned into inutility. Inutility caused by a zoning regulation would

require a variance to avoid an unconstitutional taking of the property. The Board may – but is not required to – grant a “c(1)” variance where the hardship at issue is not confiscatory but, rather, inhibits “the extent” to which the property can be used. Lang v. North Caldwell Board of Adjustment, 160 N.J. 41, 54-55 (1999). It must be noted that a hardship variance is not available for intentionally created situations as constituting “self-created” hardship. Commons v. Westwood Board of Adj., 81 N.J. 597, 606 (1980); Chirichello v. Monmouth Park Board of Adj., 78 N.J. 544, 553 (1979), and/or for mistakes. Deer-Glen Estates v. Borough of Fort Lee, 39 N.J. Super. 380, 386 (App. Div. 1956). Neither is a hardship variance available to relieve “personal hardship” of the owner, financial or otherwise. Jock v. Wall Township Zoning Board of Adj., 184 N.J. 562, 590 (2005). Finally, the Board may not exercise its power to grant a “c(1)” variance otherwise warranted, however, unless the so-called “negative criteria” has been satisfied. Pursuant to the last unlettered paragraph of N.J.S.A. 40:55D-70: “No variance or other relief may be granted ... without a showing that such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.” The phrase “zone plan” as used in the N.J.S.A. 40:55D-70 means master plan. Medici v. BPR Co., 107 N.J. 1, 4, 21 (1987).

b. **Standards for Considering a “C(2)” Variance.** The Board has the power to grant “c(2)” variances from zoning ordinance regulations pursuant to N.J.S.A. 40:55D-70c(2) where, “in an application or appeal relating to a specific piece of property, the purposes of [the MLUL] would be advanced by a deviation from the zoning ordinance requirements and the benefits of the deviation from the zoning ordinance requirements would substantially outweigh any detriment.” The zoning benefits resulting from permitting the deviation must be for the community (“improved zoning and planning that will benefit the community”) and not merely for the private purposes of the owner. Kaufmann v. Warren Township Planning Board, 110 N.J. 551, 563 (1988). And, while “c(1)” or so-called hardship variances are not available for self-created hardship situations and/or for mistakes, our courts have held that an intentionally created situation or a mistake do not serve to bar a “c(2)” variance because the focus of a “c(2)” variance is not on hardship but, rather, on advancing the purposes of zoning. Ketcherick v. Mountain Lakes Board of Adj., 256 N.J. Super. 647, 656-657 (App. Div. 1992); Green Meadows v. Montville Planning Board, 329 N.J. Super. 12, 22 (App. Div. 2000). Finally, the Board may not exercise its power to grant any variance otherwise warranted, however, unless the so-called “negative criteria” has been satisfied. Pursuant to the last unlettered paragraph of N.J.S.A. 40:55D-70: “No variance or other relief may be granted ... without a showing that such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.” As set forth above, the phrase “zone plan” as used in the N.J.S.A. 40:55D-70 means master plan. Medici v. BPR Co., 107 N.J. 1, 4, 21 (1987).

6. **Findings as to “C(1)” Front Yard Setback Variance to Allow the Proposed Porch Addition to Encroach into the Front Yard Setback Area.** As set forth above, ordinance section 9.10-5 requires a minimum front yard setback of 50-feet, whereas the proposed porch addition will be setback from the front property line 42-feet, 8-inches, which is a 7-feet, 4-inch encroachment into the front yard setback area. The Board finds that a variance from the front yard setback regulation to allow the proposed porch addition to encroach into the front yard

setback area can and should be granted under the “c(1)” rubric for the following reasons. First, the Board finds that the distance of the existing dwelling to Locust Drive is 50.7-feet, which the Board finds is an extraordinary and exceptional situation uniquely affecting the property and the existing dwelling which lawfully exists on the property in that the 50-foot front yard setback requirement has the effect of not allowing any front porch to be constructed on the existing dwelling. (The existing porch is a lawfully created pre-existing nonconforming structure which is entitled to remain under N.J.S.A. 40:55D-68 but is not entitled to be enlarged without the grant of a “c” variance.) Second, the Board finds that the strict application of the 50-foot front yard setback requirement will result in peculiar and exceptional practical difficulties or exceptional and undue hardship on the applicant by preventing him from being able to have any front porch on his house. Third, the Board finds that the inability to construct a front porch inhibits the extent to which the property and existing dwelling can be used. Finally, provided that the conditions set forth below are imposed and complied with, the Board finds that a “c(1)” front yard setback variance can be granted to relieve the “hardship” without substantial detriment to the public good and without substantially impairing the intent and purpose of the master plan and zoning ordinance. The Board thus finds that a “c(1)” variance can and should be granted but subject to the conditions set forth below.

7. **Findings as to “C(2)” Variance to Allow the Size of the Proposed Porch Addition.** As set forth above, ordinance section 9.08 provides that the maximum size of an entrance porch is 8-feet wide with a maximum depth (the ordinance provides the maximum projection out from the front of the dwelling) of 4-feet (for a total of 32 square feet), whereas the proposed porch addition would be 14-feet wide by 8-feet deep (for a total of 112 square feet). The Board finds that a variance from the maximum size limitations applicable to entrance porches cannot be granted under the “c(1)” rubric but can and should be granted under the “c(2)” rubric for the following reasons. First, the Board finds that a variance from the maximum size limitations cannot be granted under the “c(1)” rubric because any “hardship” as to the proposed size of the proposed porch addition is self-created in that the applicant currently has a front porch and wants to increase the size of the porch to allow increased usage of the porch. The Board finds that this situation is not a hardship situation as it does not relate to the condition of the property. That said, however, the Board finds that there are “c(2)” grounds that warrant the grant of a variance to allow the size of the proposed porch addition to be 14-feet wide by 8-feet deep provided that the conditions set forth below are imposed and complied with. Specifically, the Board finds that granting a “c(2)” variance to allow the larger than permitted size of the proposed porch addition will advance the general welfare and aesthetic purposes of the Municipal Land Use Law (the “MLUL”) as enunciated in N.J.S.A. 40:55D-2a (encouraging municipal action to guide the appropriate use and development of land in a manner that will promote the general welfare) and in N.J.S.A. 40:55D-2i (promoting a desirable visual environment through creative development techniques and good civic design and arrangement). The reason for this is because the Board finds that the proposed porch addition will improve the aesthetics of the existing dwelling which will be a general welfare and aesthetic benefit not only to the applicant but to all lot owners in the neighborhood. Specifically, the Board finds that the larger than permitted proposed porch addition is more aesthetically pleasing on the elongated existing dwelling than a porch complying with the size limitations of the ordinance. The Board expressly finds that the replacement of the existing porch with the proposed porch addition represents improved zoning

and planning for the property that will benefit not only the applicant but the community. Finally, provided again that the conditions set forth below are imposed and complied with, the Board finds that the “c(2)” variance to allow the size of the proposed porch addition can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the master plan and zoning ordinance.

8. **Findings as to “C(2)” Variance to Allow the Second Floor of the Proposed 2-Story Addition.** As set forth above, ordinance section 9.10-8 provides that, “[i]n a two (2) story dwelling, the livable first floor area shall not be less than seven thousand (7,000) square feet”, and the livable first floor area of the entire dwelling after constructing the proposed 2-story addition will be approximately 1,850 square feet (the livable floor area of the first floor of the existing dwelling is 1,231 square feet and the livable floor area of the proposed 2-story addition is approximately 620 square feet). The Board finds that a variance from minimum first floor livable floor area requirement cannot be granted under the “c(1)” rubric but can and should be granted under the “c(2)” rubric for the following reasons. First, the Board finds that a variance from the minimum first floor livable floor area requirement cannot be granted under the “c(1)” rubric because any “hardship” as to the proposed size of the first floor of the dwelling is self-created in that the applicant could construct its dwelling addition as a 1-story addition but would rather construct a 2-story addition. The Board finds that this situation is not a hardship situation as it does not relate to the condition of the property. That said, however, the Board finds that there are “c(2)” grounds that warrant the grant of a variance to allow the second story of the dwelling addition without regard to the floor area of the first floor provided that the conditions set forth below are imposed and complied with. Specifically, the Board finds that granting a “c(2)” variance to allow the second floor of the dwelling addition will advance the general welfare and aesthetic purposes of the Municipal Land Use Law (the “MLUL”) as enunciated in N.J.S.A. 40:55D-2a (encouraging municipal action to guide the appropriate use and development of land in a manner that will promote the general welfare) and in N.J.S.A. 40:55D-2i (promoting a desirable visual environment through creative development techniques and good civic design and arrangement). The reason for this is because the Board finds that the proposed 2-story addition will be aesthetically more pleasing than if the dwelling addition was entirely 1-story high, and this aesthetic benefit is not only for the applicant but will benefit all lot owners in the neighborhood. The Board expressly finds that the proposed 2-story addition represents a better planning option for the property and neighborhood than if the entire dwelling addition was 1-story in height (which would increase the dwelling’s foot print and take up more of the open green space on the property than if the proposed 2-story addition is constructed). Finally, provided again that the conditions set forth below are imposed and complied with, the Board finds that the “c(2)” variance to allow the proposed 2-story addition can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the master plan and zoning ordinance.

9. **Conclusions as to the “C(1)” and “C(2)” Variances.** Based on the findings set forth above, the Board’s ultimate conclusions are that it can and should grant the “c(1)” and “c(2)” variances subject to the conditions set forth below being imposed and complied with.

10. **Imposition of Conditions.** Boards have inherent authority to impose conditions on any approval it grants. North Plainfield v. Perone, 54 N.J. Super. 1, 8-9 (App. Div. 1959), certif. denied, 29 N.J. 507 (1959). Further, conditions may be imposed where they are required in order for a board to find that the requirements necessary for approval of the application have been met. See, Alperin v. Mayor and Tp. Committee of Middletown Tp., 91 N.J. Super. 190 (Ch. Div. 1966) (holding that a board is required to impose conditions to ensure that the positive criteria is satisfied); Eagle Group v. Zoning Board, 274 N.J. Super. 551, 564-565 (App. Div. 1994) (holding that a board is required to impose conditions to ensure that the negative criteria is satisfied). Further, municipal ordinances and Board rules also provide a source of authority for a board to impose conditions upon a developmental approval. See, Cox and Koenig, New Jersey Zoning and Land Use Administration (Gann 2020), sections 28-2.2 and 28-2.3 (discussing conditions limiting the life of a variance being imposed on the basis of the Board's implicit authority versus by virtue of Board rule or municipal ordinance). Finally, boards have authority to condition approval on review and approval of changes to the plans by Board's experts so long as the delegation of authority for review and approval is not a grant of unbridled power to the expert to approve or deny approval. Lionel Appliance Center, Inc. v. Citta, 156 N.J. Super. 257, 270 (Law Div. 1978). As held by the court in Shakoor Supermarkets, Inc. v. Old Bridge Tp. Planning Board, 420 N.J. Super. 193, 205-206 (App. Div. 2011): "The MLUL contemplates that a land use board will retain professional consultants to assist in reviewing and evaluating development applications" and using such professional consultants to review and evaluate revised plans "was well within the scope of service anticipated by the applicable statutes. It was the Board, and not any consultant, that exercised the authority to approve the application." The Board concludes that the conditions set forth below are warranted and should be imposed on all of the above-mentioned bases, except that no plan revisions are necessary.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD, BY MOTION DULY MADE AND SECONDED ON NOVEMBER 10, 2020, AS FOLLOWS:

B. RELIEF GRANTED

1. **"C(1)" Front Yard Setback Variance to Allow the Proposed Porch Addition to Encroach into the Front Yard Setback Area.** Subject to the conditions set forth below, a "c(1)" variance is granted from ordinance section 9.10-5, which requires a minimum front yard setback of 50-feet, to allow the proposed porch addition to be setback from the front property line 42-feet, 8-inches, which is a 7-feet, 4-inch encroachment into the front yard setback area.

2. **"C(2)" Variance to Allow the Size of the Proposed Porch Addition.** Subject to the conditions set forth below, a "c(2)" variance is granted from ordinance section 9.08, which provides that the maximum size of an entrance porch is 8-feet wide with a maximum depth (the ordinance provides the maximum projection out from the front of the dwelling) of 4-feet (for a total of 32 square feet), to allow the proposed porch addition to be 14-feet wide by 8-feet deep (for a total of 112 square feet).

3. **“C(2)” Variance to Allow the Second Floor of the Proposed 2-Story Addition.** Subject to the conditions set forth below, a “c(2)” variance is granted from ordinance section 9.10-8, which provides that, “[i]n a two (2) story dwelling, the livable first floor area shall not be less than seven thousand (7,000) square feet”, to allow the livable first floor area of the entire dwelling after constructing the proposed 2-story addition to be approximately 1,850 square feet (the livable floor area of the first floor of the existing dwelling is 1,231 square feet and the livable floor area of the proposed 2-story addition is approximately 620 square feet).

C. **CONDITIONS**

1. **Revisions to Plans.** (Intentionally omitted as no plan revisions are necessary)

2. **Design, Construction and Location of Proposed Development.** The applicant shall be required to design, construct and locate the proposed development to be substantially similar to the plans submitted to the Board. This includes the requirement that the proposed porch addition be located no closer than 42-feet, 8-inches to the front property line and that the proposed porch addition be no larger in size than 14-feet wide by 8-feet deep.

3. **Landscaping.** (Intentionally omitted as no landscaping is required to be planted or maintained)

4. **Parking.** (Intentionally omitted as parking was not an issue)

5. **Lighting.** (Intentionally omitted as lighting was not an issue)

6. **Time to Obtain Construction Permits and Permanent Certificate of Occupancies.** The applicant shall apply for and obtain all construction permits no later than November 10, 2021 (within one (1) year of the date the within resolution was adopted). If during said one (1) year period, or extension thereof as granted by the Board, the applicant fails to obtain all construction permits, the within approvals shall automatically expire and become null and void. The applicant shall also have one (1) year from the date of issuance of the first construction permit to commence construction and obtain permanent certificates of occupancy for both the proposed porch addition and the proposed 2-story addition. If during said one (1) year period, or extension thereof as granted by the Board, work is not commenced and/or a permanent certificate of occupancy is not obtained for each of two additions constituting the proposed development, the within approvals as to the additions at issue shall automatically expire and become null and void. Any and all extension requests made in accordance with the within condition must be made prior to the expiration of the approvals.

7. **As-Built Survey Required as a Condition Precedent to the Issuance of a Certificates of Occupancy.** As a condition precedent to the issuance of a certificate of occupancy for both the proposed porch addition and the proposed 2-story addition, the applicant shall submit a signed and sealed survey of the property showing all structures located on the property and showing all setbacks from property lines to all structures on the property and all

dimensions of the structures, so that the Board engineering expert can verify that the proposed development has been constructed in accordance with the within approvals and the conditions of the within approvals.

8. **Replenishment of Escrow Account.** The applicant shall have a continuing duty to replenish its escrow account upon written notification. Neither the Board nor its employees will perform any services in furtherance of this approval if there is a deficiency in any escrow or inspection fee account. The applicant shall have a continuing duty to maintain a positive balance in all escrow accounts until all conditions have been satisfied and all charges have been paid.

9. **Subject to Other Laws and Approvals.** The within approvals and the use of all property subject to the within approvals are conditioned upon and made subject to any and all laws, ordinances, requirements, and/or regulations of and/or by any and all municipal, county, state and/or federal governments and their agencies and/or departments having jurisdiction over any aspect of the property and/or use of the property. The within approvals and the use of all property subject to the within approvals are also conditioned upon and made subject to any and all approvals by and/or required by any and all municipal, county, state and/or federal governments and their agencies and/or departments having jurisdiction over any aspect of the property and/or the use of the property. In the event of any inconsistency(ies) between the terms and/or conditions of the within approvals and any approval(s) required by the above, the terms and conditions of the within approvals shall prevail unless and until changed by the Board upon proper application.

VOTE ON MOTION DULY MADE AND SECONDED ON NOVEMBER 10, 2020:

THOSE IN FAVOR:

THOSE OPPOSED:

The within resolution memorializing the Board action in granting the approval set forth above was adopted on November 10, 2020 by the following vote of eligible Board members:

<u>Member</u>	<u>Yes</u>	<u>No</u>	<u>Abstain</u>	<u>Absent</u>
Skene				x
Wilson				x
Hauck	x			
Uchrin	x			
Hopkins	x			
Ableles	x			
Pittinger	x			

Berger	x	
Lapcynski		x
Newman		x
Saharic	x	

KAREN ROMANO, Board Secretary

Alexander Saharic, Chairman

The motion passed with the following roll call vote:

Ayes: Saharic, Hauck, Uchrin, Abeles, Hopkins, Pittinger, and Berger

Absent Skene, Wilson, Lapcynski, and Newman

Abstain:

PUBLIC COMMENT:

Chairman Saharic opened the floor for public comment. There being none the floor was closed.

MISCELLANEOUS: Zoning Officer Joe Hauck presented the elements of a Property Maintenance Ordinance developer by the Ordinance committee.

Mr. Hauck moved, and Mr. Abeles seconded a motion to move the Proposed Ordinance to Council.

The motion passed with the following roll call vote:

Ayes: Saharic, Hauck, Uchrin, Abeles, Hopkins, Pittinger, and Berger

Absent Skene, Wilson, Lapcynski, and Newman

Abstain:

ADJOURN

Mr. Abeles moved, Dr. Uchrin seconded a motion to adjourn, there being no further business to come before the Board. The motion was passed by unanimous vote. The meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Karen Romano
Planning Board Secretary

Redevelopment Study and Preliminary Investigation Report

Block 4, Lots 1.01, 1.02, 1.03, 1.04, 1.05, 2, 5, 7, 8 and 9

Prepared:
November 18, 2020

Prepared for:



Lebanon Borough
Hunterdon County, New Jersey

Prepared by:



T&M Associates
11 Tindall Road
Middletown, NJ 07748

*The original of this document has been signed
and sealed in accordance with New Jersey Law.*



Stan Slachetka, PP, AICP
NJ Professional Planner No.: 33LI00350800



Robert Dare, PP, AICP, MCIP
NJ Professional Planner No.: 33LI00596400

Redevelopment Study and Preliminary Investigation Report

Lebanon Borough

Block 4, Lots 1.01, 1.02, 1.03, 1.04, 1.05, 2, 5, 7, 8 and 9

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Introduction

The purpose of this Redevelopment Study and Preliminary Investigation Report (hereinafter referred to as “redevelopment study”) is to determine whether the properties identified as Block 4, Lots 1.01, 1.02, 1.03, 1.04, 1.05, 2, 5, 7, 8 and 9 (hereinafter referred to as the “Study Area”) in Lebanon Borough qualify as an area in need of redevelopment as defined in the Local Redevelopment and Housing Law, P.L. 1992, Chapter 79 (commonly and hereinafter referred to as the “LRHL”). The Study Area is shown on the accompanying regional location map (Map 1) and aerial location map (Map 2).

This report is written pursuant to Section 6 of the LRHL (N.J.S.A. 40A:12A-6a), which states the following:

No area of a municipality shall be determined to be a redevelopment area unless the governing body of the municipality shall, by resolution, authorize the planning board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to the criteria set forth in Section 5 of P.L. 1992. C.79 (C.40A:12A-5). ... The governing body of a municipality shall assign the conduct of the investigation and hearing to the planning board of a municipality.

The Lebanon Borough Council adopted Resolution 80-2019 on May 24, 2019. Said resolution was subsequently amended with the adoption of Resolution 99-2019 on July 17, 2019.

Resolution 80-2019 authorized the preparation of a redevelopment study of the area described as:

... the area bounded by the north side of Route 22 at its intersection with Corporate Drive, and then on a perpendicular course, north to Interstate 78 (eastbound), and then westerly along Interstate 78 to its intersection with Cokesbury Road, and then southerly along Cokesbury Road to Route 22, and then easterly along Route 22 to the point and place of beginning.

Resolution 99-2019 authorized the expansion of the aforementioned Study Area to include:

... the driveway entrances and exits of Corporate Drive as well as the intersection of State Highway Route 22 and Cokesbury Road, and to include all public right-of-way areas located therein.

Copies of Resolution 80-2019 and 99-2019 are included in this report as Appendix A and Appendix B, respectively.

This report serves as the “statement setting forth the basis for the investigation,” which is required by the LRHL [N.J.S.A. 40A:12A-6b(1)]. In accordance with N.J.S.A. 40A:12A-6b(5):







Redevelopment Study and Preliminary Investigation Report

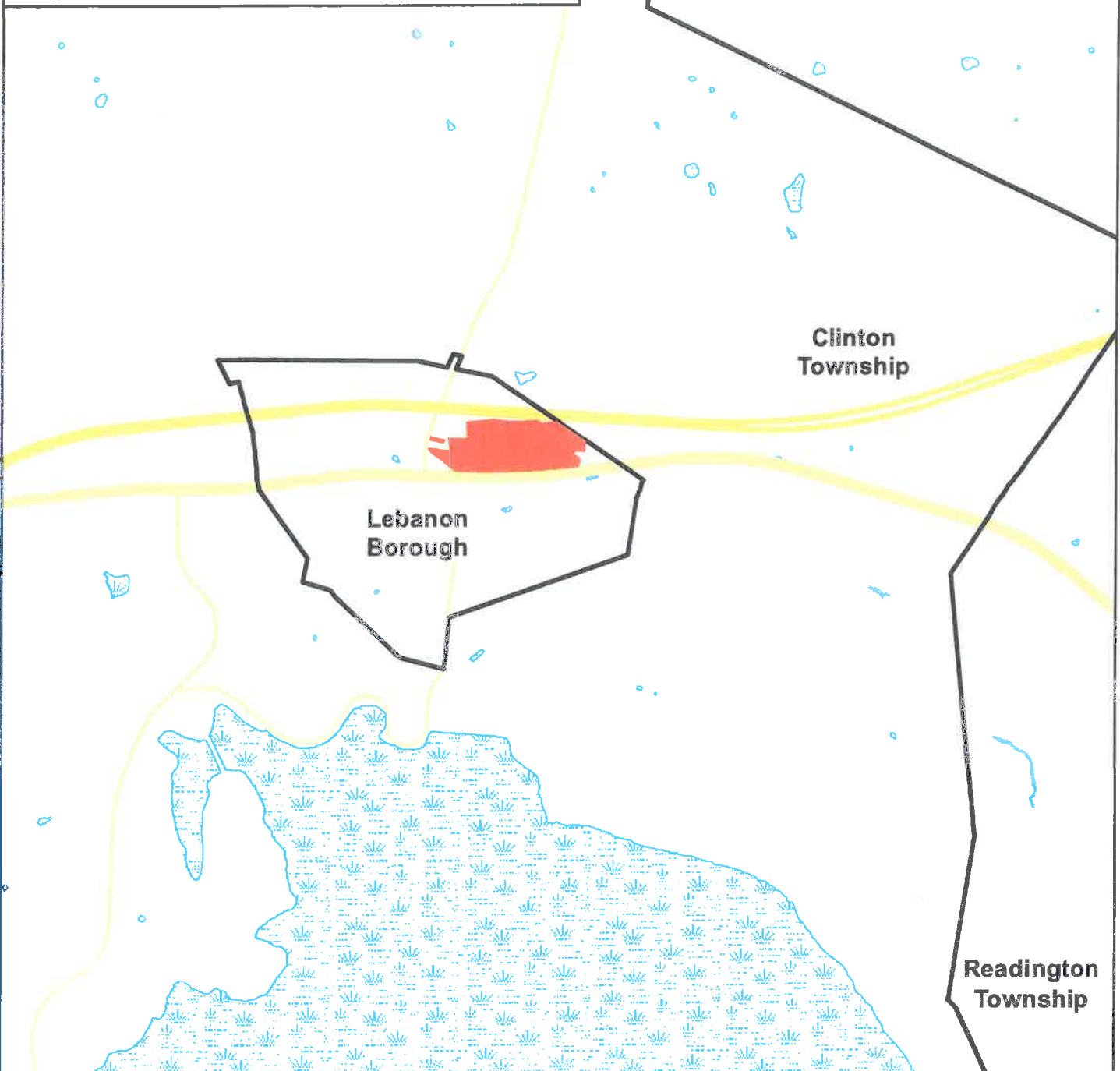
Lebanon Borough

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After completing its hearing on this matter, the planning board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the municipal governing body to be a redevelopment area. After receiving the recommendation of the planning board, the municipal governing body may adopt a resolution determining that the delineated area, or any part thereof, is in need of redevelopment.

It is noted that in directing the Planning Board to undertake the preliminary investigation and redevelopment study, Resolution 80-2019 and Resolution 99-2019 specified that the Study Area shall not be subject to a condemnation redevelopment area designation.

	Study Area	Roads
	Municipal Boundary	 Interstate or Toll Route
	Open Water	 US or State Route
		 County Route







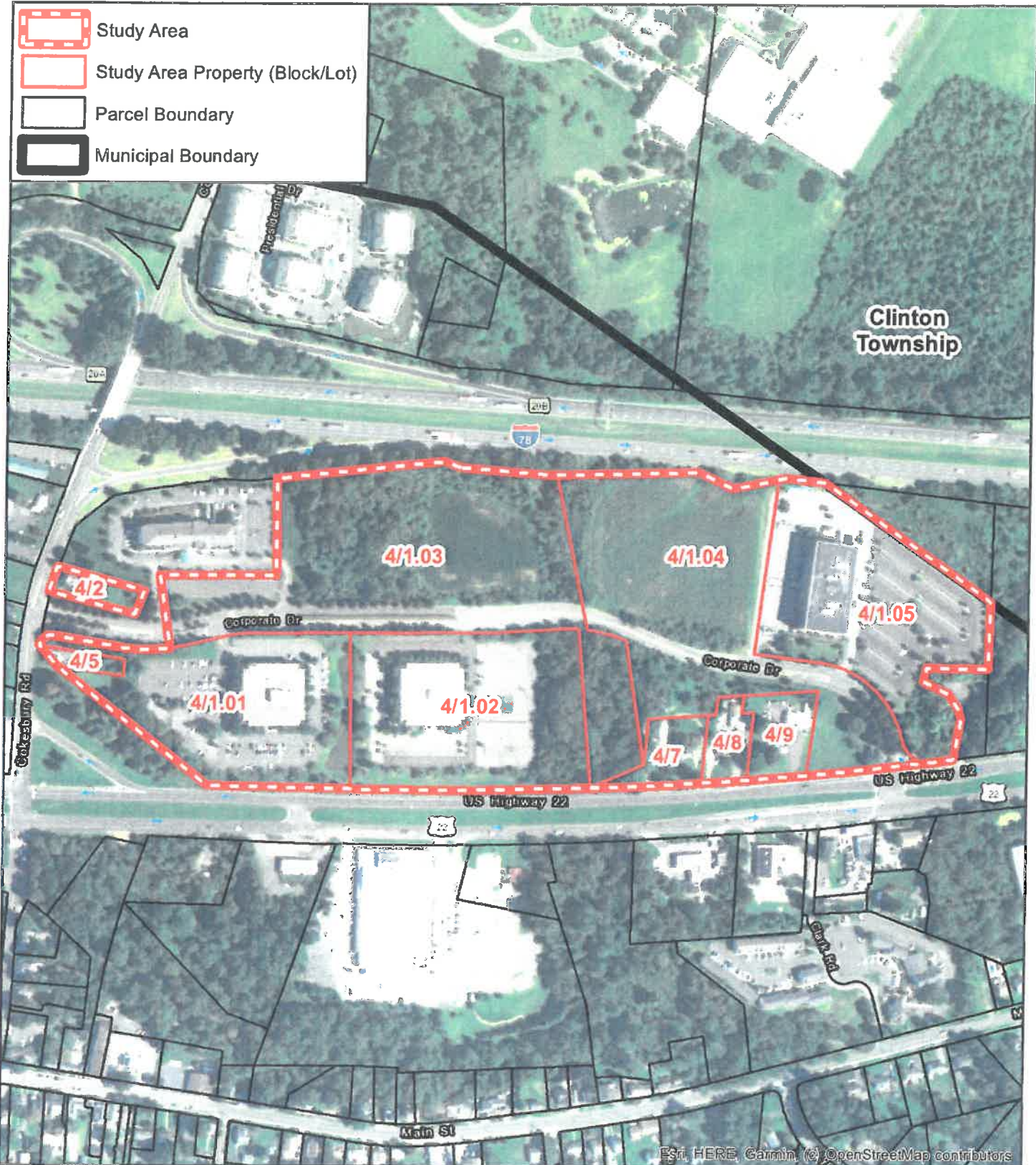

T&M Associates
 11 Tindall Road
 Middletown, NJ 07748
 Phone: 732-671-6400



Prepared by: RED, 11/17/2020
 Source: USFWS (NWI); NJDOT; NJGIN;
 Hunterdon County; Lebanon Borough; T&M Associates
 G:\Projects\LEBA\00001\GIS\Projects\Map 1 - Regional Location.mxd

**Map 1 - Regional Location
 Redevelopment Study Area
 Lebanon Borough, Hunterdon County, New Jersey**

-  Study Area
-  Study Area Property (Block/Lot)
-  Parcel Boundary
-  Municipal Boundary



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T&M Associates
 11 Tindall Road
 Middletown, NJ 07748
 Phone: 732-671-6400



Prepared by: RED, 11/17/2020
 Source: NJDEP; NJDOT; NJGIN;
 Hunterdon County; Lebanon Borough; T&M Associates
 G:\Projects\LEBA\00001\GIS\Projects\Map 2 - Aerial Location.mxd

Map 2 - Aerial Location Redevelopment Study Area Lebanon Borough, Hunterdon County, New Jersey

NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not State-authorized.

Redevelopment Study and Preliminary Investigation Report
Lebanon Borough

Block 4, Lots 1.01, 1.02, 1.03, 1.04, 1.05, 2, 5, 7, 8 and 9

Study Area Description

The Study Area (see Map 2) is comprised of Block 4, Lots 1.01, 1.02, 1.03, 1.04, 1.05, 2, 5, 7, 8 and 9. The Study Area properties, comprising approximately 46.16 acres, have frontage on Cokesbury Road (Hunterdon County Route No. 639), the private roadway known as Corporate Drive, and the rights of way of US Route 22 and Interstate 78. Land uses, as confirmed by on-site observation, are depicted in the photos in Appendix C (corresponding photo numbers from Appendix C are indicated in the descriptions below) and described in the following subsections.

Block 4, Lot 1.01

Block 4, Lot 1.01 is approximately 6.50 acres and has frontage on Corporate Drive and the right-of-way of US Route 22 (n.b., there is no direct access from Block 4, Lot 1.01 to US Route 22). The property is assessed as Class 4A (Commercial), developed with a three-story office building and associated improvements (incl., parking and drainage), and is owned by Hunterdon Executive Center, LLC with offices in Manasquan, New Jersey (n.b., the property is under common ownership with adjacent Block 4, Lot 1.02 [discussed below]). Historic aerial photography indicates that said building has been in place since at least 1988.

Block 4, Lot 1.02

Block 4, Lot 1.02 is approximately 7.21 acres and has frontage on Corporate Drive and the right-of-way of US Route 22 (n.b., there is no direct access from Block 4, Lot 1.02 to US Route 22). The property is assessed as Class 4A (Commercial) and developed with a three-story office building and associated improvements (incl., parking and drainage). In addition, the eastern quarter of the property contains wooded areas. The property is owned by Hunterdon Executive Center, LLC with offices in Manasquan, New Jersey (n.b., the property is under common ownership with adjacent Block 4, Lot 1.01). Historic aerial photography indicates that said building has been in place since at least 1995.

Block 4, Lot 1.03

Block 4, Lot 1.03 is approximately 12.20 acres and contains a portion of the private roadway known as Corporate Drive, wooded areas to the south of Corporate Drive, and a mix of agricultural cropland and wooded areas to the north of Corporate Drive. The property is assessed as Class 3B (Qualified Farmland) and is owned by Town Center at Lebanon, LLC with offices in Skillman, New Jersey (n.b., adjacent Block 4, Lot 1.04 [discussed below] is under common ownership). The northern edge of Block 4, Lot 1.03 fronts on the right-of-way of Interstate 78 and the property's southernmost point intersects with the right-of-way of US Route 22, although the property does not have direct access to said roadways. The property also contains a surface parking lot located on the north side of Corporate Drive that is no longer in use. The parking lot had previously been made available to the tenants of the corporate office building located at 100 Corporate Drive, but that easement agreement has expired.

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Block 4, Lots 1.01, 1.02, 1.03, 1.04, 1.05, 2, 5, 7, 8 and 9

Block 4, Lot 1.04

Block 4, Lot 1.04 is approximately 10.00 acres and contains a portion of the right-of-way of the private roadway known as Corporate Drive, wooded and landscaped areas to the south of Corporate Drive, and a mix of agricultural cropland and wooded areas to the north of Corporate Drive. The property is assessed as Class 3B (Qualified Farmland) and is owned by Town Center at Lebanon, LLC with offices in Skillman, New Jersey (n.b., adjacent Block 4, Lot 1.03 is under common ownership). The northern edge of Block 4, Lot 1.04 fronts on the right-of-way of Interstate 78 (n.b., the property does not have direct access to said roadway). The southern portion of the roadway fronts on the right-of-way of US Route 22 and has access to said roadway near the eastern portion of the Study Area.

Block 4, Lot 1.05

Block 4, Lot 1.05 is approximately 7.29 acres and has frontage on Corporate Drive and the right-of-way of US Route 22 (n.b., access from Block 4, Lot 1.05 to US Route 22 is provided via adjacent Block 4, Lot 1.04). The property is assessed as Class 4A (Commercial) and developed with a four-story office building and associated improvements (incl., parking and drainage). In addition, the southernmost point of the property contains wooded areas. The property is owned by the entity identified in property tax assessment information as "Wells Operating Part LP" with offices in Atlanta, Georgia. Historic aerial photography indicates that said building has been in place since at least 2006.

Block 4, Lot 2

Block 4, Lot 2 is approximately 0.50 acres and has frontage on Cokesbury Road to the north of the intersection of Cokesbury Road and Corporate Drive. The property is developed with a two-story frame dwelling, which is assessed as Class 4A (Commercial) and owned by Eleanor Schwartz (n.b., the owner's mailing address is that of the property). We note that the property contains signage for the entity known as "Land Equity, Inc." Given the Class 4A (Commercial) tax assessment, it appears that this business operates from the property. Based on property tax assessment information obtained from the MOD-IV, the property is also used as a residence (n.b., MOD-IV indicates that the property contains one [1] dwelling unit). Property tax assessment information also indicates that the property was developed in 1935.

Block 4, Lot 5

Block 4, Lot 5 is approximately 0.32 acres and has frontage on Cokesbury Road to the south of the intersection of Cokesbury Road and Corporate Drive. The property is developed with a two-story frame dwelling, which is assessed as Class 4A (Commercial) and owned by Maria Hatem (n.b., the owner's mailing address is that of the property). We note that the property contains signage for the entity known as "Sudzy Pup Salon," which operates from the property. Based on property tax assessment information obtained from the MOD-IV, the two-story frame dwelling contains two (2) residences (n.b., MOD-IV indicates that the property contains two [2] dwelling units). Property tax assessment information also indicates that the property was developed in 1935.

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Block 4, Lot 7

Block 4, Lot 7 is approximately 0.80 acres and fronts on US Route 22 (n.b., the property also has direct access to said roadway). The property contains a one-story, ranch-style dwelling with attached garage, a detached garage with a footprint of approximately 1,500 square feet, and a horseshoe-shaped access drive that is unpaved. The property is assessed as Class 4A (Commercial) and is owned by Carlton and Lois Voorhees with a mailing address of PO Box 103 in Lebanon, New Jersey. Based on property tax assessment information obtained from the MOD-IV, the property is also used as a residence (n.b., MOD-IV indicates that the property contains one [1] dwelling unit). Property tax assessment information also indicates that the property was developed in 1955.

Block 4, Lot 8

Block 4, Lot 8 is approximately 0.57 acres and fronts on US Route 22 (n.b., the property also has direct access to said roadway). The property contains: a one-story, ranch style dwelling; a detached garage with a footprint of approximately 2,500 square feet; what, based on aerial imagery, appears to be two sheds near the northwestern corner of the property; two driveways, one of which is unpaved; and a freestanding pylon sign for "Clinton Auto Body." The property is assessed as Class 4A (Commercial) and is owned by KJM Properties, LLC (n.b., the owner's mailing address is that of the property). The detached garage appears to be related to the operation of Clinton Auto Body. The dwelling that is located onsite is accessed from a different driveway than the driveway that is used to access Clinton Auto Body. Based on property tax assessment information obtained from the MOD-IV, the property is used as a residence (n.b., MOD-IV indicates that the property contains one [1] dwelling unit). Property tax assessment information also indicates that the property was developed in 1950.

Block 4, Lot 9

Block 4, Lot 8 is approximately 0.76 acres and fronts on US Route 22 (n.b., the property also has direct access to said roadway). The property contains: a one-story, ranch style dwelling; a detached garage with a footprint of approximately 2,750 square feet; a paved driveway; and a freestanding pylon sign for "The Cap Connection." The property is assessed as Class 4A (Commercial) and is owned by The Cap Connection Realty, LLC (n.b., the owner's mailing address is that of the property). The detached garage appears to be related to the operation of The Cap Connection. The dwelling that is located onsite appears to contain two (2) dwelling units (n.b., there are two [2] mailboxes along the roadway frontage). This is confirmed by property tax assessment information obtained from the MOD-IV, which indicates that the property contains two (2) residences (n.b., MOD-IV indicates that the property contains two [2] dwelling units). Property tax assessment information also indicates that the property was developed in 1930.

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Land Use Analysis (Land Use/Land Cover and MOD IV)

Existing land uses within the Study Area were evaluated through investigation of property tax land use classifications and land use/land cover data as mapped by the New Jersey Department of Environmental Protection (NJDEP). Land uses were subsequently confirmed by on-site observation.

The New Jersey Property Tax System, known as MOD-IV, provides for the uniform preparation, maintenance, presentation, and storage of statewide property tax information. MOD-IV is the mechanism to maintain and update all property tax assessment records and produce all statutorily required tax lists. The MOD-IV land values in 2020 for all Study Area properties were:

- **Block 4, Lot 1.01:** Class 4A (Commercial)
- **Block 4, Lot 1.02:** Class 4A (Commercial)
- **Block 4, Lot 1.03:** Class 3B (Qualified Farmland)
- **Block 4, Lot 1.04:** Class 3B (Qualified Farmland)
- **Block 4, Lot 1.05:** Class 4A (Commercial)
- **Block 4, Lot 2:** Class 4A (Commercial)
- **Block 4, Lot 5:** Class 4A (Commercial)
- **Block 4, Lot 7:** Class 4A (Commercial)
- **Block 4, Lot 8:** Class 4A (Commercial)
- **Block 4, Lot 9:** Class 4A (Commercial)

According to NJDEP's land use/land cover (LU/LC) data, last updated in 2015, the land uses in the Study Area are primarily categorized as follows:

- Brush/Shrub;
- Commercial;
- Crop/Pasture;
- Forest;
- Other (e.g., maintained lawn area);
- Residential;
- Transportation;
- Water; and,
- Wetland.

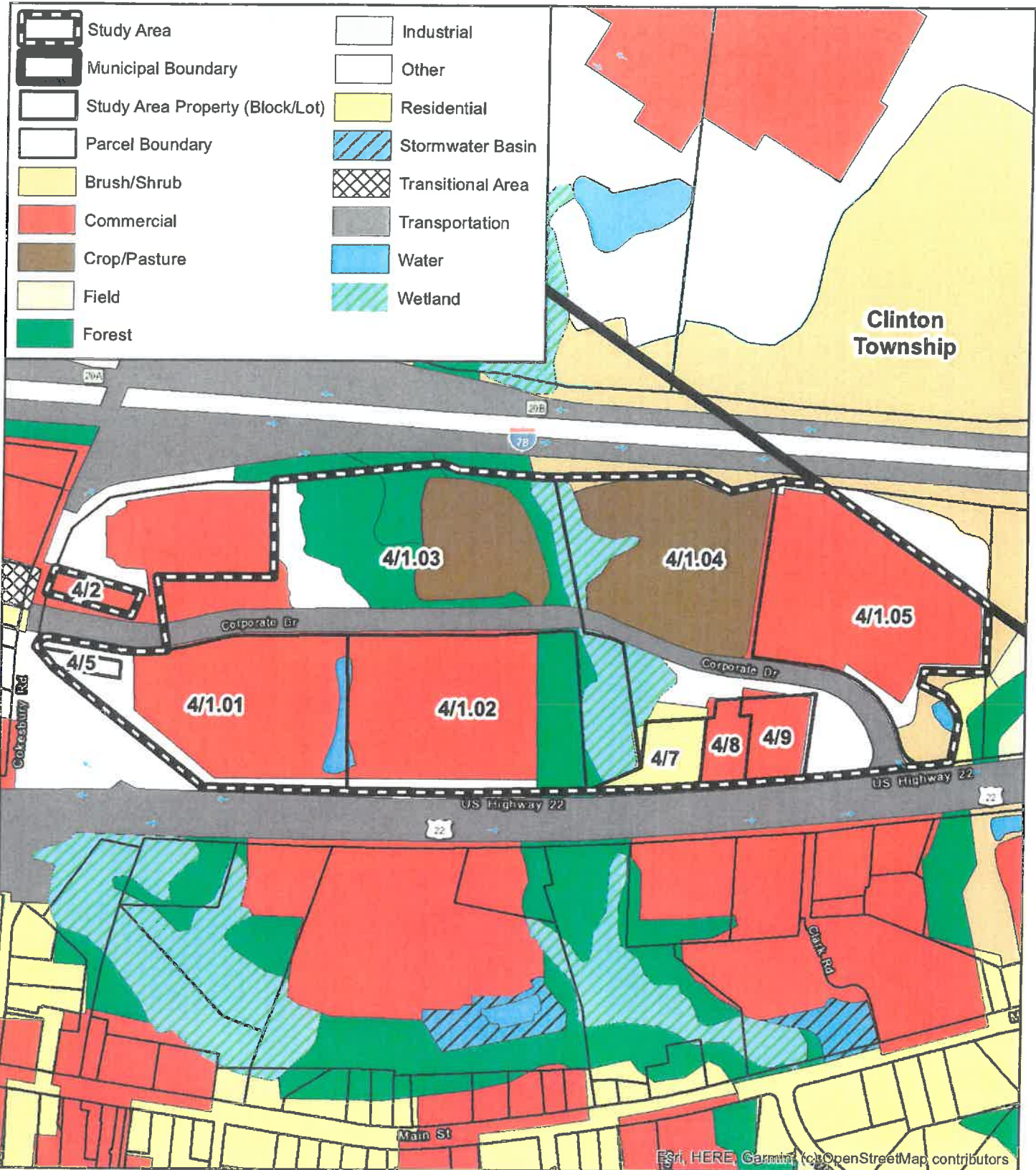
Land in the vicinity of the Study Area is classified as:

- Brush/Shrub;
- Commercial;
- Crop/Pasture;
- Field;
- Forest;
- Industrial;
- Other;
- Residential;

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- Stormwater Basin;
- Transitional Area;
- Transportation;
- Water; and,
- Wetland.

Map 3 shows the LU/LC data for the properties in the Study Area and vicinity thereof.



	Study Area		Industrial
	Municipal Boundary		Other
	Study Area Property (Block/Lot)		Residential
	Parcel Boundary		Stormwater Basin
	Brush/Shrub		Transitional Area
	Commercial		Transportation
	Crop/Pasture		Water
	Field		Wetland
	Forest		

Clinton Township

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T&M Associates
 11 Tindall Road
 Middletown, NJ 07748
 Phone: 732-671-6400



**Map 3 - Land Use Land Cover (2015)
 Redevelopment Study Area
 Lebanon Borough, Hunterdon County, New Jersey**









Prepared by: RED, 11/17/2020
 Source: ESRI; NJDEP; NJDOT; NJGIN;
 Hunterdon County; Lebanon Borough; T&M Associates
 G:\Projects\LEBA\00001\GIS\Projects\Map 3 - Land Use Land Cover (2015).mxd

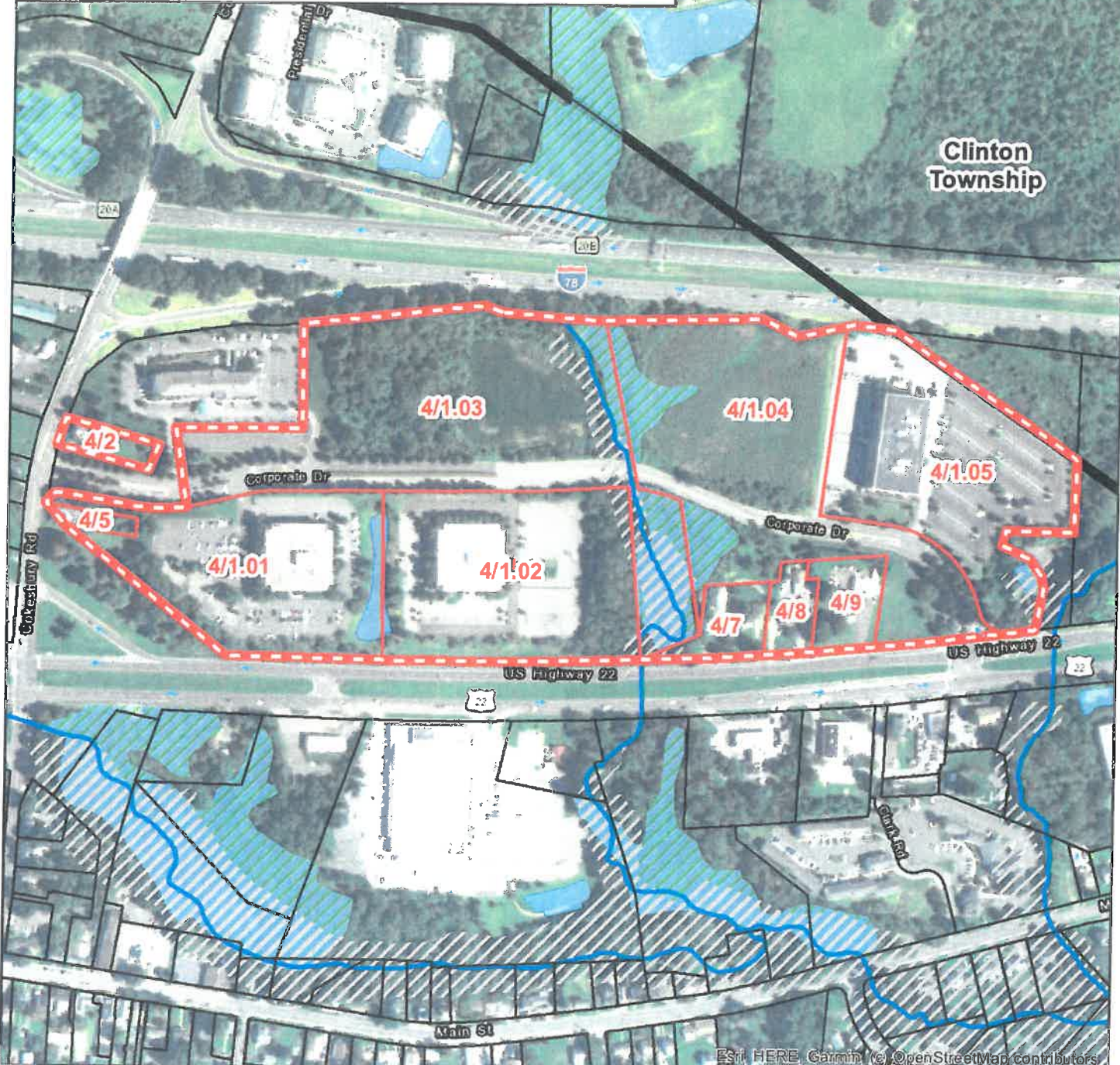
NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not State-authorized.

Environmental Constraints

A review of mapping from the New Jersey Department of Environmental Protection (NJDEP) and Federal Emergency Management Agency (FEMA) indicates that the Study Area contains a Category 1 waterway, flood hazard area, wetland area, and two (2) surface waterbodies. These features are shown in Map 4.

We note that regulatory buffers (e.g., applicable wetland buffers) of the above-described features may apply.

	Study Area		Stream (Category 1)
	Study Area Property (Block/Lot)		Flood Hazard Area
	Parcel Boundary		Water
	Municipal Boundary		Wetland



 T&M Associates
 11 Tindall Road
 Middletown, NJ 07748
 Phone: 732-671-6400



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 Source: NJDOT; NJGIN; FEMA; NJDEP;
 Hunterdon County; Lebanon Borough; T&M Associates
 G:\Projects\LEBA\00001\GIS\Projects\Map 4 - Environmental Constraints.mxd

Map 4 - Environmental Constraints Redevelopment Study Area Lebanon Borough, Hunterdon County, New Jersey

NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not State-authorized.














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Block 4, Lots 1.01, 1.02, 1.03, 1.04, 1.05, 2, 5, 7, 8 and 9

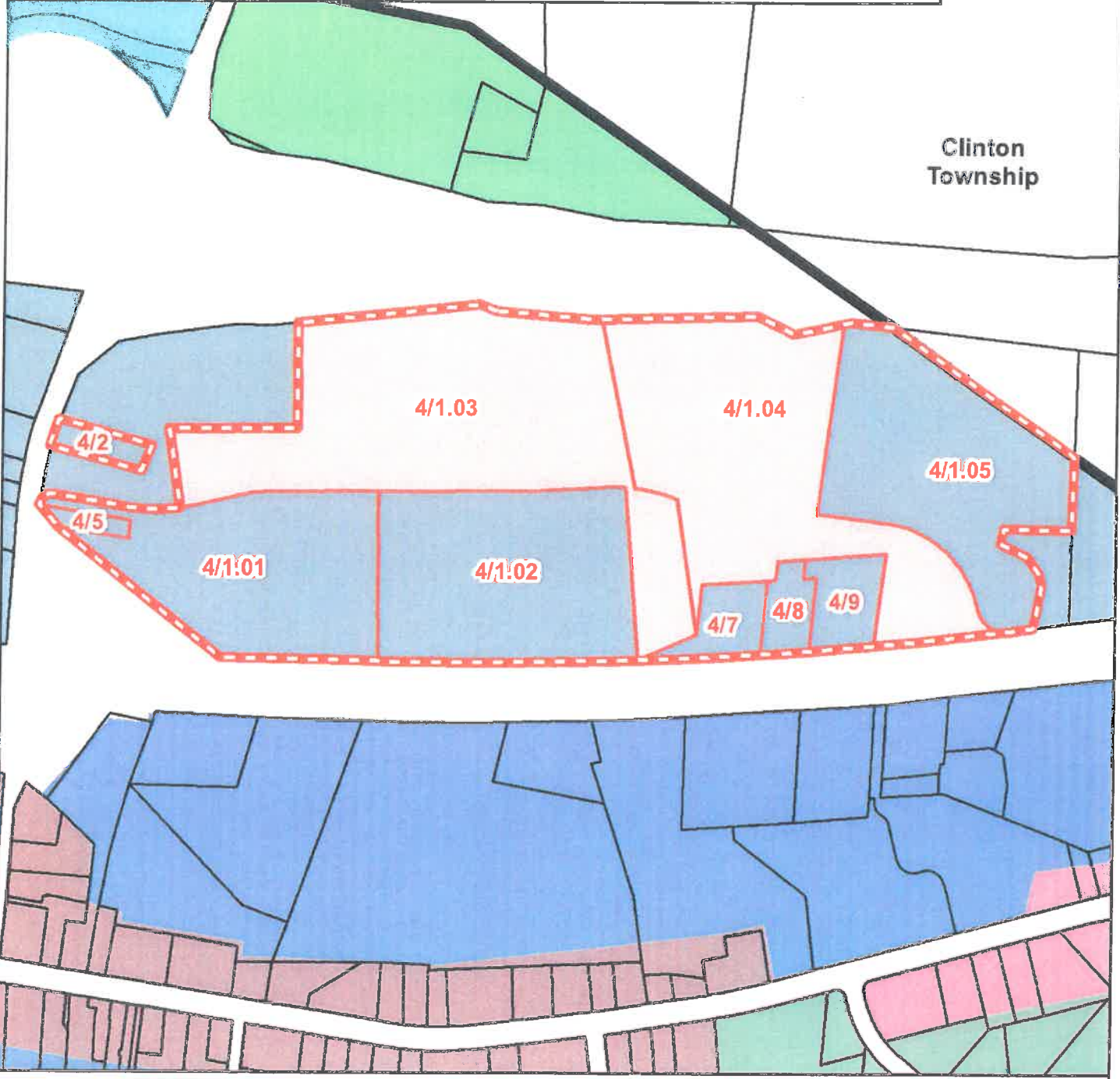
Current Zoning

The Study Area properties are all located in the following zone districts:

- **Block 4, Lot 1.01:** ROM-C-200,000 (Research-Office-Manufacturing/Commercial-200,000)
- **Block 4, Lot 1.02:** ROM-C-200,000 (Research-Office-Manufacturing/Commercial-200,000)
- **Block 4, Lot 1.03:** R-MF-12 (Multifamily Residence 12)
- **Block 4, Lot 1.04:** R-MF-12 (Multifamily Residence 12)
- **Block 4, Lot 1.05:** ROM-C-200,000 (Research-Office-Manufacturing/Commercial-200,000)
- **Block 4, Lot 2:** ROM-C-200,000 (Research-Office-Manufacturing/Commercial-200,000)
- **Block 4, Lot 5:** ROM-C-200,000 (Research-Office-Manufacturing/Commercial-200,000)
- **Block 4, Lot 7:** ROM-C-200,000 (Research-Office-Manufacturing/Commercial-200,000)
- **Block 4, Lot 8:** ROM-C-200,000 (Research-Office-Manufacturing/Commercial-200,000)
- **Block 4, Lot 9:** ROM-C-200,000 (Research-Office-Manufacturing/Commercial-200,000)

Map 5 shows the zoning of the Study Area and environs.

	Study Area		C-LB		R-1-20		ROM-100
	Study Area Property (Block/Lot)		R-1-15		R-MF-12		ROM-C-100
	Parcel Boundary		R-1-15P		R-MF/AH		ROM-C-200
	Municipal Boundary						



Clinton Township



T&M Associates
 11 Tindall Road
 Middletown, NJ 07748
 Phone: 732-671-6400

0 200 400 800 Feet

**Map 5 - Zoning
 Redevelopment Study Area
 Lebanon Borough, Hunterdon County, New Jersey**

Prepared by: RED, 11/17/2020
 Source: NJDOT; NJGIN; NJHC;
 Hunterdon County; Lebanon Borough; T&M Associates
 G:\Projects\LEBA\00001\GIS\Projects\Map 5 - Zoning.mxd

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According to Chapter 295 of the Code of the Borough of Lebanon, the R-MF-12 (Multifamily Residence 12) Zone District permits multifamily dwellings and related accessory uses (e.g., recreation facilities, fences and walls, off-street parking, parking, trash enclosures, signs, public and private utilities, leasing/management offices, occupant amenities, storage spaces for occupants, dog spas or pet grooming facilities for use by occupants, electric vehicle charging stations, emergency generators).

The general bulk standards for the R-MF-12 (Multifamily Residence 12) Zone District are:

- **Minimum Lot Area:** 22 acres, inclusive of Corporate Drive;
- **Minimum Front Yard Setback (from Corporate Drive):** 20 feet;
- **Minimum Rear Yard Setback (from Route 78):** 30 feet;
- **Minimum Side Yard Setback:** 40 feet;
- **Maximum Density:** 12.7 units per acre, up to a maximum of 280 units;
- **Minimum Distance Between Buildings:** 22 feet;
- **Maximum Building Length of any Façade:** 350 feet;
- **Maximum Building Coverage:** 15 percent;
- **Maximum Lot Coverage:** 60 percent
- **Maximum Building Height:** 55 feet/4 stories; and,
- **Maximum Number of Principal Buildings:** 2 per lot, 4 per zone.

According to Chapter 295 of the Code of the Borough of Lebanon, the ROM-C-200,000 (Research-Office-Manufacturing/Commercial-200,000) Zone District permits the following uses: offices for business, professional, executive or administrative purposes (incl., home offices, regional offices, accounting offices and computer centers); research offices; research and scientific laboratories; process of manufacturing, fabrication, treatment or conversion of products; industrial and commercial warehouses and wholesale distribution centers; stores or shops for retail business or wholesale display entirely within the confines of a building; theaters; and, any use by the Borough, excepting workshops, warehouses or storage areas. Accessory uses include: uses customarily incident to the foregoing permitted uses; and, outdoor storage (n.b., such storage shall be adequately screened and shall not exceed 25 percent of the lot area). Permitted conditional uses include public utilities and public institutional uses; and, motels and hotels.

The general bulk standards for the ROM-C-200,000 (Research-Office-Manufacturing/Commercial-200,000) Zone District are:

- **Minimum Lot Area:** 200,000 square feet;
- **Minimum Lot Width:** 300 feet;
- **Maximum Lot Coverage:** 40 percent;
- **Minimum Floor Area:** 25,000 square feet;
- **Maximum Height:** 55 feet/4 stories;
- **Minimum Front Yard Setback:** 150 feet;
- **Minimum Side Yard Setback (Single):** 50 feet;

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- **Minimum Side Yard Setback (Total):** Greater of 100 feet or 25 percent of lot width; and,
- **Minimum Rear Yard Setback:** 75 feet.

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Planning Context

Lebanon Borough Master Plan

The Borough of Lebanon's master plan was originally adopted in 1973, revised in 1982, and subsequently reexamined in 1991, 2008, 2013 and, most recently, in 2016. The 2016 Master Plan Reexamination Report was then subsequently amended in 2018 (n.b., the Borough also adopted a Housing Plan Element and Fair Share Plan as part of its master plan in 2020; this is discussed separately below).

The 2018 Amendment to the 2016 Master Plan Reexamination Report, which was adopted on May 8, 2018, discusses key changes in assumptions, policies and objectives that have occurred since the adoption of the 2016 Master Plan Reexamination Report. Of particular relevance to this Redevelopment Study and Preliminary Investigation Report are the following:

- **Highlands Center Designation:** After the adoption of the 2016 Master Plan Reexamination Report, the Borough received a grant from the Highlands Council to prepare a Center Designation Feasibility Study. The Borough subsequently prepared the study and, in late 2017, submitted it to the Highlands Council with a request to amend the Borough's petition for plan conformance to include the designation of more than 80 percent of the Borough as a Highlands Center. On March 15, 2018, the Highlands Council approved the Borough's petition for plan conformance and granted the Borough its requested center designation. The designated Highlands Center includes the entire Study Area (i.e., Block 4, Lots 1.01, 1.02, 1.03, 1.04, 1.05, 2, 5, 7, 8 and 9).
- **Commercial Vacancies:** The 2018 Amendment to the 2016 Master Plan Reexamination Report indicates that, after the adoption of the 2016 Master Plan Reexamination Report, the borough has noticed an increase in the number of vacancies along the US Route 22 corridor, and that there is total or significant vacancy on several properties along Corporate Drive, including: Block 4, Lot 1.01 (50 percent vacancy per the 2018 Amendment); Block 4, Lot 1.02 (100 percent vacancy per the 2018 Amendment); and Block 4, Lot 1.05 (100 percent vacancy per the 2018 Amendment). The 2018 Amendment to the 2016 Master Plan Reexamination Report notes that the vacancies along Corporate Drive amount to "a complete erosion of the Borough's corporate office sector" and, as a result, indicates that the Borough has decided to pursue redevelopment on each of the Study Area parcels.

Lebanon Borough Housing Element and Fair Share Plan

The Borough's Housing Element and Fair Share Plan (HE&FSP) was adopted by the Planning Board on May 12, 2020 and endorsed by the Borough Council on May 20, 2020. The HE&FSP identifies Block 4, 1.03 and 1.04, which are part of the Study Area, as an affordable housing site known as the "Town Center." The HE&FSP's vision for the

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“Town Center” is that of a 280-unit inclusionary housing development with a total of 56 affordable family rental units, including: 28 moderate-income units; 20 low-income units; and, eight (8) very low-income units. The Borough subsequently adopted zoning (viz., R-MF-12 [Multifamily Residence 12]) to achieve this vision and implement its HE&FSP.

Hunterdon County Comprehensive Economic Development Strategy

The Hunterdon County Comprehensive Economic Development Strategy (EDS) was prepared in December 2014. It was developed to guide Hunterdon County in regaining and maintaining economic prosperity and is intended to serve as a blueprint for creating economic growth and job creation. The EDS outlines a number of goals and objectives, as well as “Vital Projects” to realize its goals and objectives. For the goal “Channel Growth and Development in the County in an Efficient, Context-Sensitive Manner,” the following vital project is identified:

- Promote flexible zoning and other incentives to facilitate conversion/redevelopment of vacant buildings for new or mixed uses.

Redevelopment of the Study Area will serve to advance the aforementioned goal and vital project of the EDS.

New Jersey State Development and Redevelopment Plan

The New Jersey State Development and Redevelopment Plan (SDRP) contains a series of smart growth goals and policies, and mapping that reflects desired growth patterns within a series of state planning areas.

As provided in the SDRP, the Study Area, like the majority of the Borough, is located within Planning Area 2, which is also known as the Suburban Planning Area. The intent of the Suburban Planning Area are as follows:

- Provide for much of the state’s future development;
- Promote growth in Centers and other compact forms;
- Protect the character of existing stable communities;
- Protect natural resources;
- Redesign areas of sprawl;
- Reverse the current trend toward further sprawl; and,
- Revitalize cities and towns.

In addition, we note that the SDRP further provides that:

The intent of the State Plan regarding the Suburban Planning Area is to reverse the current trend towards further sprawl and to guide both redevelopment and new development into more efficient and serviceable patterns. (SDRP, Page 196).

Redevelopment of the Study Area is compatible with, and will advance, the intent and purpose of the Suburban Planning Area.

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Highlands Regional Master Plan

Lebanon Borough is located within the 88-municipality Highlands Region, which falls under the jurisdiction of the New Jersey Highlands Council (Highlands Council). The Highlands Council adopted a Regional Master Plan in 2008. As outlined in said plan, and as provided in the Highlands Water Protection and Planning Act (PL 2004, c. 120), the entirety of Lebanon Borough is located within the Highlands Region's Planning Area, as opposed to its Preservation Area. The fundamental distinction between the Preservation Area and the Planning Area is that municipal and county conformance with the Regional Master Plan is required in the Preservation Area, but voluntary in the Planning Area.

As provided in the Regional Master Plan, the goals of the Planning Area are as follows:

- Promote the continuation and expansion of agricultural, horticultural, recreational, and cultural uses;
- Promote brownfield remediation and redevelopment;
- Encourage—consistent with the State Development and Redevelopment Plan and smart growth strategies appropriate patterns of compatible residential, commercial and industrial development—redevelopment and economic growth while discouraging sprawl; and,
- Promote a sound and balanced transportation system consistent with smart growth strategies.

Redevelopment of the Study Area is generally compatible with the following Planning Area goals:

- Promote brownfield remediation and redevelopment; and,
- Encourage—consistent with the State Development and Redevelopment Plan and smart growth strategies appropriate patterns of compatible residential, commercial and industrial development—redevelopment and economic growth while discouraging sprawl.

In addition, the Regional Master Plan identifies a number of Highlands Region-wide goals and policies. Redevelopment of the Study Area would directly support the following Highlands Region-wide goals and objectives:

- **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.**
- **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.**

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- **Objective 6E1a:** The Existing Community Zone in the Highlands Land Use Capability Zone Map shall include existing previously developed areas of regional significance.
 - **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 Existing Community Zone.
 - **Policy 6F6:** To encourage new population growth, where desired by the municipality, and development in the Existing Community Zone is in the form of center based and mixed-use development.
 - **Objective 6F6a:** Center based development initiatives shall be planned within the Existing Community Zone at densities appropriate to the Zone, the community character, the State Development and Redevelopment Plan. Densities of five dwelling units and above are encouraged, and are required in areas designated as voluntary TDR Receiving Zones where TDR benefits are sought under the Highlands Act.
 - **Policy 6F7:** To encourage redevelopment in the Existing Community Zone as a means to relieve development pressure from more environmentally sensitive areas.
 - **Goal 6H:** Guide Development away from Environmentally Sensitive and Agricultural Lands and Promote Development and Redevelopment in or Adjacent to Existing Developed Lands.
 - **Policy 6H4:** To promote compatible growth opportunities that include in-fill development, adaptive re-use, redevelopment and brownfields redevelopment in existing developed areas.
 - **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.
 - **Policy 6H9:** To incorporate smart growth principles and green building design and technology in development and redevelopment initiatives.
 - **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 Existing Community Zone 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 of the Highlands Redevelopment Area Designation process.
 - **Goal 6K:** Concentrate Residential, Commercial and Industrial Development, Redevelopment and Economic Growth in Existing Developed Areas in
-

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Locations with Limited Environmental Constraints, Access to Existing Utility, and Transportation Infrastructure.

- **Goal 60:** 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.
 - **Policy 603:** To promote, where appropriate and permitted by the Land Use Capability Zone, affordable housing within new residential and mixed-use development, redevelopment or adaptive reuse projects.
- **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.

Redevelopment of the Study Area would directly support the aforementioned Highlands Region-wide goals and objectives. Indeed, the Study Area is located within close proximity to existing roadways, within one (1) mile of the Lebanon Train Station, and within the Existing Community Zone of the Highlands Region. In addition, the Study Area, like most of Lebanon Borough, is located within a designated Highlands Center (n.b., this has been discussed within the context of the 2018 Amendment to the 2016 Master Plan Reexamination Report). A portion of the Study Area has also been designated and appropriately zoned for the production of affordable housing (n.b., this has been discussed within the context of the 2018 Amendment to the 2016 Master Plan Reexamination Report, as well as the Lebanon Borough Housing Element and Fair Share Plan.

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Redevelopment Designation Statutory Requirements

Pursuant to Section 5 of the LRHL (N.J.S.A. 40A:12A-5), an area may be determined to be in need of redevelopment if it meets one or more of the following statutory criteria:

- A. The generality of buildings is substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions. (N.J.S.A. 40A:12A-5[a]).
- B. The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or industrial purposes; the abandonment of such building or buildings; significant vacancies of such buildings or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable. (N.J.S.A. 40A:12A-5[b]).
- C. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital. (N.J.S.A. 40A:12A-5[c]).
- D. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community. (N.J.S.A. 40A:12A-5[d]).
- E. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real properties therein or other similar conditions which impede land assemblage or discourage the undertaking of improvements, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare, which condition is presumed to be having a negative social or economic impact or otherwise being detrimental to the safety, health, morals, or welfare of the surrounding area or the community in general. (N.J.S.A. 40A:12A-5[e]).
- F. Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated. (N.J.S.A. 40A:12A-5[f]).
- G. In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act," P.L.1983, c.303 (C.52:27H-60

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et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L.1992, c.79 (C.40A:12A-5 and 40A:12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L.1991, c.431 (C.40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L.1991, c.441 (C.40A:21-1 et seq.). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L.1992, c.79 (C.40A:12A-1 et al.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone. (N.J.S.A. 40A:12A-5[g]).

- H. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation. (N.J.S.A. 40A:12A-5[h]).

Furthermore, the LRHL permits the inclusion of parcels that do not meet the statutory criteria if they are necessary for effective redevelopment of the proposed redevelopment area:

A redevelopment area may include land, buildings or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary with or without change in their condition, for the effective redevelopment of the area of which they are a part (N.J.S.A. 40A:12A-3.).

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Redevelopment Analysis

In preparing this report, the project team analyzed and considered the applicability of the aforementioned statutory criteria for designation of a redevelopment area. An analysis of relevant criteria is provided in the following subsections. The analysis presented herein is supplemented by the photographs of Appendix C.

“a” Criterion

A property may be found in need of redevelopment under the “a” Criterion when:

- A. The generality of buildings is substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions. (N.J.S.A. 40A:12A-5[a]).

Thus, based on the above, the focus of the “a” Criterion is on *buildings* (n.b., the “d” Criterion focuses on buildings and improvements).

Based on a site visit and interior inspection of the three-story office building located on site, Block 4, Lot 1.02 meets the “a” Criterion of the LRHL. The existing office building is in poor condition and currently unsafe, unsanitary, and in a dilapidated condition resulting in unwholesome working conditions. This is demonstrated by photographs in Appendix C, which: show mold and water damage on walls, ceilings and floors; subsidence of ceiling tiles; missing ceiling tiles and exposed insulation; hanging electrical wires in common areas; missing flooring and exposed, water-damaged underflooring; areas of uneven floor surface; rust on metal stairways; exposed electrical wiring; peeling wallpaper (incl., molded wallpaper); fallen drop ceilings; exposed metal framing; and, extensive debris throughout. In addition, we note that according to information received from the New Jersey Department of Community Affairs (NJDCA) on September 4, 2020, there is an active “Notice of Unsafe Structure” violation for Block 4, Lot 1.02 (n.b., said Notice of Unsafe Structure was originally issued on July 16, 2018 and has, therefore, been active for more than two [2] years). According to information received from the NJDCA on October 21, 2020, permits have been issued for electrical, fire protection, roof and mold remediation work. As demonstrated in our site inspection and represented in the photographs in Appendix C, however, this work has not yet been completed.

Given the presence of these unsafe, unsanitary and dilapidated building conditions, the building is conducive to unwholesome working conditions and, therefore, meets the “a” Criterion of the LRHL.

“b” Criterion

The LRHL provides for the designation of an area in need of redevelopment under the terms of the “b” Criterion when:

- B. The discontinuance of the use of a building or buildings previously used for commercial, retail, shopping malls or plazas, office parks, manufacturing, or

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industrial purposes; the abandonment of such building or buildings; significant vacancies of such buildings or buildings for at least two consecutive years; or the same being allowed to fall into so great a state of disrepair as to be untenable. (N.J.S.A. 40A:12A-5[b]).

Block 4, Lots 1.02 and 1.05 both meet the “b” Criterion of the LRHL. Said properties, according to information received from the owners of both, have been entirely vacant for a period of more than two (2) years. Thus, the “b” Criterion is met.

In addition, and to further demonstrate fulfillment of the “b” Criterion, it is noted that Block 4, Lot 1.02 has fallen into so great a state of disrepair as to be untenable. The untenable characteristic of the building on Block 4, Lot 1.02 is demonstrated by the presence of unsafe, unsanitary, and dilapidated conditions that exist within it, as well as the fact that a “Notice of Unsafe Structure” was issued more than two (2) years ago and remains outstanding (n.b., these conditions and this notice have been discussed within the context of the “a” Criterion [above]).

“d” Criterion

A property may be found in need of redevelopment under the “d” Criterion when:

- D. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community. (N.J.S.A. 40A:12A-5[d]).

Thus, based on the above, the focus of the “d” Criterion is *areas* with buildings or improvements, and not buildings (n.b., the “a” Criterion focuses on buildings).

Block 4, Lot 2 has driveway access to the north of Corporate Drive. According to digital parcel mapping distributed by the New Jersey Office of GIS, the driveway access encroaches by approximately five (5) feet upon adjacent Block 4, Lot 1.06, which is not part of the Study Area, and is located within approximately 1.5 feet of the northern point of tangency of Corporate Drive along Cokesbury Road (Hunterdon County Route No. 639). The encroachment of the driveway of Block 4, Lot 2 upon adjacent Block 4, Lot 1.06, as well as its close proximity to the point of tangency constitutes a faulty arrangement or design, which results in a clear threat to the public health, safety and welfare. Indeed, as motorists make a right turn from Corporate Drive onto the northbound side of Cokesbury Road, naturally, look left for oncoming traffic coming from the south. Should motorists begin their right turn from Corporate Drive while looking to the left, as is common driving practice, there would be a significant potential for collisions as vehicles enter or exit Block 4, Lot 2. Underlying this safety concern is the fact that regulations exist to prevent location of points of ingress/egress within close proximity of one another. As an example, Table E-1 of the New Jersey State Highway Access Management Code (N.J.A.C. 16:47) requires that driveways have a minimum of 12 feet

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of edge clearance for all driveways (n.b., edge clearance is measured from the extended lot line along the curblin to the beginning of the curblin opening for a driveway or, when no curb is present, edge of the driveway). Thus, as provided in the New Jersey State Highway Access Management Code, there should be a minimum of 24 feet (i.e., 12 feet per driveway) between points of ingress/egress.

Based on the above, it is clear that the current arrangement and design of Block 4, Lot 2 results in a clear and credible threat to the public health, safety and welfare. Thus, the “d” Criterion of the LRHL is met.

“h” Criterion

The LRHL provides for the designation of an area in need of redevelopment under the terms of the “h” Criterion when:

- H. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation. (N.J.S.A. 40A:12A-5[h]).

Smart growth is an approach to land use planning that minimizes sprawl and preserves natural areas by guiding development toward locations with existing or planned infrastructure, and appropriate community services and transportation. It is characterized by, among other features:

- Mixed land uses (incl., residential uses and non-residential, employment-generating uses);
- Compact building design;
- A range of housing opportunities and choices;
- Walkable neighborhoods;
- Distinctive, attractive communities with a strong sense of place;
- Preservation of open space, farmland, natural beauty and critical environmental areas;
- The strengthening and direction of development toward existing communities; and,
- Provision of a variety of transportation choices.

The New Jersey Department of State, Office of Planning Advocacy (OPA) defines the following areas as smart growth areas:

- Planning Area 1 (Metropolitan Planning Area);
- Planning Area 2 (Suburban Planning Area);
- Designated Centers;
- Meadowlands Smart Growth Areas;
- Pinelands Growth Areas; and,
- Villages and Towns.

The above-listed areas have been mapped by the OPA as smart growth areas. As shown on the OPA’s mapping (available at:

<https://nj.gov/state/planning/assets/docs/maps/smartgrowthareasmapping.pdf>),

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The Study Area, along with the majority of the Borough of Lebanon, is located within a designated smart growth area. Indeed, as shown on the OPA's mapping, the Borough is almost entirely located within Planning Area 2 (Suburban Planning Area), which is, by definition, a smart growth area. The justification of the definition of Planning Area 2 (Suburban Planning Area) as a smart growth area is demonstrated by its intent, which, as provided in the SDRP, is:

... to reverse the current trend towards further sprawl and to guide both redevelopment and new development into more efficient and serviceable patterns. (SDRP, Page 196).

In addition to the above, it is noted that the Study Area is located within the Existing Community Zone as shown on the Highlands Land Use Capability Zone Map (available at: https://www.nj.gov/njhighlands/gis/interactive_map/#/-74.63256/40.87985/3).

Moreover, the Study Area is located within a Designated Center of the Highlands Region. Redevelopment within the Existing Community Zone and a Designated Center would be consistent with smart growth planning principles. Indeed, as provided in the Highlands Council's 2008 Regional Master Plan, the Existing Community Zone includes areas that are characterized by existing development with few natural resource constraints, and that are often currently or easily served with public infrastructure; it includes previously developed lands of regional significance in size, geography and infrastructure that may include areas of opportunity for future growth and development. In addition, as provided in the 2008 Regional Master Plan, center-based development and redevelopment within the Existing Community Zone is to be encouraged as a means to relieve development pressure from more environmentally sensitive areas.

It is further noted that the Study Area contains two (2) properties (viz., Block 4, Lots 1.03 and 1.04), which have been identified in the Borough's Housing Element and Fair Share Plan, as well as its 2018 Amendment to the 2016 Master Plan Reexamination Report, as the "Town Center" inclusionary housing site. Once constructed, said site would contain a total of 280 multifamily dwelling units with a 20-percent affordable housing set-aside.

Redevelopment of the study area pursuant to a comprehensive redevelopment plan that incorporates the parcels identified as an affordable housing site in the Housing Plan Element of the Borough's Master Plan would be consistent with smart growth planning principles. These include the promotion of mix of land uses in a compact center-based development form; a range of housing opportunities and choices (e.g., market rate and affordable housing units); the creation of a walkable development with pedestrian access within the development and among the proposed uses, the development of a distinctive, attractive, and well-designed community of place; promoting development toward existing communities (n.b., proximity to the Borough's downtown); and, the location of redevelopment within a smart growth area, and the Existing Community Zone and Designated Center of the Highlands Region.

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Further, when Block 4, Lots 1.03 and 1.04 is combined with the other parcels of the Study Area (viz., Block 4, Lots 1.01, 1.02, 1.05, 2, 5, 7, 8 and 9), the capacity for smart growth implementation increases. Indeed, redevelopment of all parcels in the Study Area provides an opportunity to develop and implement a comprehensive plan for the study area that creates an appropriate balance of land uses, that promotes the smart growth principles enumerated above.

Based on the above, designation of the Study Area as an area in need of redevelopment under the terms of the “h” Criterion (N.J.S.A. 40A:12A-5[h]) would be consistent with smart growth planning principles that are embedded into the SDRP, the Highlands Regional Master Plan, the Borough’s Housing Element and Fair Share Plan, and the Borough’s 2018 Amendment to the 2016 Master Plan Reexamination Report. Thus, the entirety of the Study Area qualifies as an area in need of redevelopment under the terms of the “h” Criterion.

Needed for Effective Redevelopment

The LRHL provides that:

A redevelopment area may include land, buildings or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary with or without change in their condition, for the effective redevelopment of the area of which they are a part (N.J.S.A. 40A:12A-3.).

Block 4, Lots 1.03 and 1.04 are needed for the effective redevelopment of the Study Area and, as a result, should be included in any designated redevelopment area. Specifically, they include significant portions of Corporate Drive, including the intersection of Corporate Drive with Route 22. As a result, they represent the only means of access to adjacent Block 4, Lots 1.01, 1.02 and 1.05, which comprise a total of more than 45 percent of the Study Area. Without the inclusion of Block 4, Lots 1.03 and 1.04 in the designated redevelopment area, the effective redevelopment of the Study Area would not be possible. In fact, their exclusion would require a significant redesign of access points to the properties within the Study Area.

In addition to the above, Block 4, Lots 7, 8 and 9 are needed for the effective redevelopment of the Study Area. These parcels are needed because they provide additional frontage on US Route 22, as well as provide additional contiguous land area to the south of Corporate Drive for redevelopment. Currently, Block 4, Lots 1.03 and 1.04 have only a very small frontage on US Route 22, and a combined total of approximately 3.70 acres to the south of Corporate Drive. The area of this lot located to the south of Corporate Drive is, however, encumbered by a variety of environmental constraints. This, in combination with the configuration of tax parcels in this area limit its developability in a comprehensive and coordinated manner. Inclusion of Block 4, Lots 7, 8 and 9 within a designated redevelopment area would provide about 635 feet of increased frontage along US Route 22 and approximately 2.13 largely developable acres

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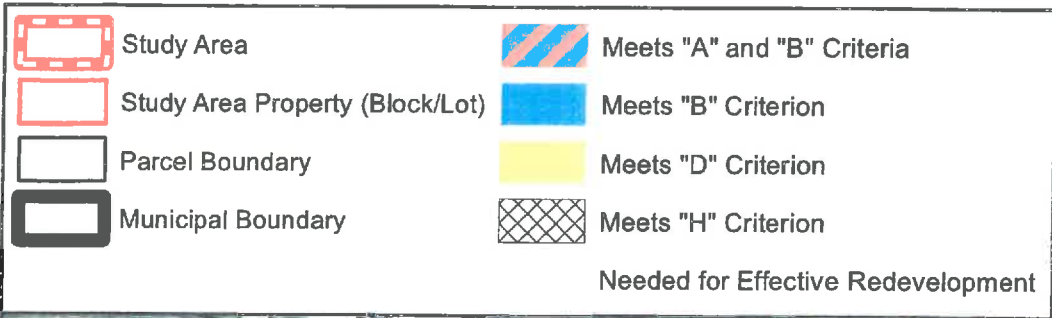
in order to compensate for the fragmented configuration of Block 4, Lots 1.03 and 1.04 as they exist to the south of Corporate Drive.

Summary of Redevelopment Analysis

The findings of this redevelopment analysis are presented in Table 1:

	Criteria Satisfied								Needed for Effective Redevelopment
	"a"	"b"	"c"	"d"	"e"	"f"	"g"	"h"	
Block 4, Lot 1.01	—	—	—	—	—	—	—	✓	—
Block 4, Lot 1.02	✓	✓	—	—	—	—	—	✓	—
Block 4, Lot 1.03	—	—	—	—	—	—	—	✓	✓
Block 4, Lot 1.04	—	—	—	—	—	—	—	✓	✓
Block 4, Lot 1.05	—	✓	—	—	—	—	—	✓	—
Block 4, Lot 2	—	—	—	✓	—	—	—	✓	—
Block 4, Lot 5	—	—	—	—	—	—	—	✓	—
Block 4, Lot 7	—	—	—	—	—	—	—	✓	✓
Block 4, Lot 8	—	—	—	—	—	—	—	✓	✓
Block 4, Lot 9	—	—	—	—	—	—	—	✓	✓

The above findings are depicted in Map 6.




T&M Associates
 11 Tindall Road
 Middletown, NJ 07748
 Phone: 732-671-6400

Prepared by: RED, 11/17/2020
 Source: NJDEP; NJDOT; NJGIN;
 Hunterdon County; Lebanon Borough; T&M Associates
 G:\Projects\LEBA\00001\GIS\Projects\Map 6 - Analysis Summary.mxd

Map 6 - Analysis Summary Redevelopment Study Area Lebanon Borough, Hunterdon County, New Jersey

NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not State-authorized.

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Rehabilitation Analysis

In preparing this report, we also analyzed and considered the applicability of statutory criteria for designation of a rehabilitation area. The LRHL defines the criteria for designation of a rehabilitation area at N.J.S.A. 40A:12A-14a. As provided at N.J.S.A. 40A:12A-14a, an area may be designated in need of redevelopment when:

- (1) A significant portion of structures therein are in a deteriorated or substandard condition;
- (2) More than half of the housing stock in the delineated area is at least 50 years old;
- (3) There is a pattern of vacancy, abandonment or underutilization of properties in the area;
- (4) There is a persistent arrearage of property tax payments on properties in the area;
- (5) Environmental contamination is discouraging improvements and investment in properties in the area; or,
- (6) A majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance.

Age of Housing Stock

The Study Area may be designated as an area in need of rehabilitation based on N.J.S.A. 40A:12A-14a(2). As documented in MOD-IV property tax assessment information, there are six (6) dwelling units on five (5) of the ten (10) Study Area properties. As further documented in MOD-IV property tax assessment information, all of the dwelling units in the Study Area are completely in excess of 50 years old. This is demonstrated below:

- Block 4, Lot 2 — One (1) dwelling unit — Constructed in 1935;
- Block 4, Lot 5 — Two (2) dwelling units — Constructed in 1935;
- Block 4, Lot 7 — One (1) dwelling unit — Constructed in 1955;
- Block 4, Lot 8 — One (1) dwelling unit — Constructed in 1950; and,
- Block 4, Lot 9 — Two (2) dwelling units — Constructed in 1930.

Based on the above, 100 percent of the housing stock in the Study Area is at least 50 years old. In fact, 100 percent of the housing stock in the Study Area is at least 65 years old. Thus, the Study Area may be declared to be an area in need of redevelopment under the terms of N.J.S.A. 40A:12A-14a(2).

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Conclusion

Based on the assessment that is provided in this redevelopment study and preliminary investigation report, it is concluded that the Study Area meets statutory criteria for being designated as a non-condemnation area in need of redevelopment, as well as an area in need of rehabilitation.

In accordance with the above, the Planning Board may recommend that the Borough Council adopt a resolution declaring that the Study Area is in need of redevelopment, as well as rehabilitation.

Appendix A: Resolution 80-2019



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

RESOLUTION #80-2019

AUTHORIZING AND DIRECTING THE LEBANON BOROUGH PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION OF AN AREA OF THE BOROUGH, AND TO RECOMMEND WHETHER OR NOT THE BOROUGH COUNCIL SHOULD DETERMINE THAT THE SAME IS AN AREA IN NEED OF REDEVELOPMENT AS A NON-CONDEMNATION REDEVELOPMENT AREA

WHEREAS, there exists in the Borough of Lebanon, certain areas of the Borough which may be in need of redevelopment to address unsafe and/or unwholesome, stagnant and/or unproductive conditions as addressed in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et. seq. (hereinafter, the "Redevelopment Law"); and

WHEREAS, the Governing Body of the Borough of Lebanon has identified a "Study Area" which may meet the criteria as established in the Redevelopment Law; and

WHEREAS, the Study Area can be more particularly described as the area bounded by the north side of Route 22 at its intersection with Corporate Drive, and then on a perpendicular course, north to Interstate 78 (eastbound), and then westerly along Interstate 78 to its intersection with Cokesbury Road, and then southerly along Cokesbury Road to Route 22, and then easterly along Route 22 to the point and place of beginning, (hereinafter the "Study Area"); and

WHEREAS, there presently exists within the Study Area, properties that have land use, construction code, Board of Health and/or State Fire Marshall violations, are vacant and/or abandoned, contain obsolescent and/or substandard buildings, have tracts of vacant land that were approved for commercial office construction over 30 years ago,

but remain unimproved vacant land, and/or the lack of proper utilization of parcels within the Study Area which among the deficiencies, impede land assemblage or discourage the undertaking of improvements which conditions may be presumed to be having a negative social or economic impact or otherwise are detrimental to the public safety, health and morals or welfare of the community in general; and

WHEREAS, the Redevelopment Law provides a mechanism to empower and assist local governments in efforts to promote programs of development and rehabilitation, setting forth specific procedures for full investigation and determination of recommendation

NOW, THEREFORE, BE IT RESOLVED that the Borough Council hereby authorizes and directs the Lebanon Borough Planning Board to continue and complete its previously authorized investigation to determine whether the Study Area set forth above is an area in need of redevelopment as satisfying the criteria set forth in the Redevelopment Law, N.J.S.A. 40A:12A-5; and

BE IT FURTHER RESOLVED the Planning Board shall prepare a map showing the general boundaries of the Study Area to be investigated and the location of various parcels of property and the location and identity of the parcels included therein, appending to such map, a statement setting forth the basis for the investigation; and

BE IT FURTHER RESOLVED that the Planning Board shall provide public notice and public hearings, specifically adhering to all of the directives of the Redevelopment Law, N.J.S.A. 40A-12A-6; and

BE IT FURTHER RESOLVED that any Redevelopment determination shall establish a Non-Condensation Redevelopment Area and the Lebanon Borough Council shall retain and be authorized to use all of the powers provided by the Legislature for use in a Redevelopment Area; and

BE IT FURTHER RESOLVED upon completing its hearings on the matter, the Planning Board shall make recommendations as to the Study Area, or any part thereof, to be determined, or not be determined by the Lebanon Borough Council, that such designated area is a Redevelopment Area or an area in need of redevelopment; and

BE IT FURTHER RESOLVED that all required public Notices, publications, mapping, rights to inspect maps and documents, hearing procedures shall be strictly adhered to as set forth in the Redevelopment Law, N.J.S.A. 40A:12A-1, et. seq.

Introduced and adopted: May 24, 2019
Ayes: Pittinger, Burton, Junge, Schneider
Nays:
Absent: Piagentini, Baldinger


LEBANON BOROUGH COUNCIL


Richard J Burton
Borough Council President

CERTIFICATION

I, Karen Romano, Lebanon Borough Clerk hereby certify that this resolution was duly adopted by the Borough of Lebanon Council at a meeting duly held on the 24th day of May, 2019 at 8 :30 am , 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.

Date: May 24, 2019


Karen M. Romano, RMC
Borough Clerk

Appendix B: Resolution 99-2019



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

RESOLUTION #99-2019

AMENDMENT TO RESOLUTION #80-2019 AUTHORIZING AND DIRECTING THE LEBANON BOROUGH PLANNING BOARD TO UNDERTAKE A PRELIMINARY REDEVELOPMENT INVESTIGATION OF THE PREVIOUSLY DESIGNATED AREA OF THE BOROUGH TO INCLUDE INTERSECTIONS AND PUBLIC RIGHT OF WAY AREAS ADJACENT TO THE SUBJECT PROPERTIES

WHEREAS, pursuant to Resolution #80-2019, the Borough Council authorized and directed the Lebanon Borough Planning Board to continue and complete its previously authorized investigation to determine whether certain Study Area properties or parts thereof, were an area in need of redevelopment in accord with the criteria set forth in the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et. seq., without condemnation; and


WHEREAS, the Study Area was more particularly described as an area bounded on the north side of Route 22 at its intersection with Corporate Drive, and then on a perpendicular course, north to Interstate 78 (eastbound), and then westerly along Interstate 78 to its intersection with Cokesbury Road, and then southerly along Cokesbury Road to Route 22, and then easterly along Route 22 to the point and place of beginning, (hereinafter the "Study Area"); and

WHEREAS, it has been determined that 3 intersections providing ingress, egress, and circulation to the Study Area were not included in the request for the Study and accompanying map.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council as follows:

1. The Study Area shall be expanded to include the driveway entrances and exits of Corporate Drive as well as the intersection of State Highway Route 22 and Cokesbury Road, and to include all public right-of-way areas located therein; and
2. The attached map of the expanded Study Area prepared by Maser Consulting, P.A. dated July, 2019 is made a part of this Resolution and the Planning Board Study; and
3. All other provisions of Resolution #80-2019 shall continue and remain in full force and effect.

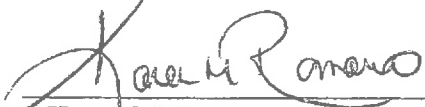
Introduced and adopted: July 17, 2019
Ayes: Burton, Berger, Junge, Schneider, Baldinger
Nays:
Absent:

LEBANON BOROUGH COUNCIL

Richard J Burton
Borough Council President

CERTIFICATION

I, Karen Romano, Lebanon Borough Clerk hereby certify that this resolution was duly adopted by the Borough of Lebanon Council at a meeting duly held on the 17th day of July, 2019 at 7:30 PM, 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.

Date: July 17, 2019


Karen M. Romano, RMC
Borough Clerk

Appendix C: Study Area Photographs

Redevelopment Study and Preliminary Investigation Report
Lebanon Borough
Block 4, Lots 1.01, 1.02, 1.03, 1.04, 1.05, 2, 5, 7, 8 and 9

Block 4, Lot 1.01



Redevelopment Study and Preliminary Investigation Report
Lebanon Borough
Block 4, Lots 1.01, 1.02, 1.03, 1.04, 1.05, 2, 5, 7, 8 and 9

Block 4, Lot 1.01



Redevelopment Study and Preliminary Investigation Report
Lebanon Borough
Block 4, Lots 1.01, 1.02, 1.03, 1.04, 1.05, 2, 5, 7, 8 and 9

Block 4, Lot 1.01



Redevelopment Study and Preliminary Investigation Report
Lebanon Borough
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Block 4, Lot 1.01



Redevelopment Study and Preliminary Investigation Report
Lebanon Borough
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Block 4, Lot 1.01



Redevelopment Study and Preliminary Investigation Report
Lebanon Borough
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Block 4, Lot 1.01



Redevelopment Study and Preliminary Investigation Report
Lebanon Borough
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Block 4, Lot 1.01



Redevelopment Study and Preliminary Investigation Report

Lebanon Borough

Block 4, Lots 1.01, 1.02, 1.03, 1.04, 1.05, 2, 5, 7, 8 and 9

Block 4, Lot 1.01



Redevelopment Study and Preliminary Investigation Report

Lebanon Borough

Block 4, Lots 1.01, 1.02, 1.03, 1.04, 1.05, 2, 5, 7, 8 and 9

Block 4, Lot 1.01



Redevelopment Study and Preliminary Investigation Report

Lebanon Borough

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Block 4, Lot 1.01



Redevelopment Study and Preliminary Investigation Report

Lebanon Borough

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Block 4, Lot 1.01



Redevelopment Study and Preliminary Investigation Report
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Block 4, Lot 1.01



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Block 4, Lot 1.01



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Block 4, Lot 1.01



Redevelopment Study and Preliminary Investigation Report
Lebanon Borough
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Block 4, Lot 1.02



Redevelopment Study and Preliminary Investigation Report

Lebanon Borough

Block 4, Lots 1.01, 1.02, 1.03, 1.04, 1.05, 2, 5, 7, 8 and 9

Block 4, Lot 1.02



Redevelopment Study and Preliminary Investigation Report

Lebanon Borough

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Block 4, Lot 1.02



Redevelopment Study and Preliminary Investigation Report

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Block 4, Lot 1.02



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Block 4, Lot 1.02



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Block 4, Lot 1.02



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Block 4, Lot 1.02



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Block 4, Lot 1.02



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Block 4, Lot 1.02



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Block 4, Lot 1.02



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Block 4, Lot 1.02



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Block 4, Lot 1.02



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Block 4, Lot 1.02



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Block 4, Lot 1.03



Redevelopment Study and Preliminary Investigation Report
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Block 4, Lot 1.03



Redevelopment Study and Preliminary Investigation Report
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Block 4, Lot 1.03



Redevelopment Study and Preliminary Investigation Report
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Block 4, Lot 1.04



Redevelopment Study and Preliminary Investigation Report
Lebanon Borough
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Block 4, Lot 1.04



Redevelopment Study and Preliminary Investigation Report

Lebanon Borough

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Block 4, Lot 1.04



Redevelopment Study and Preliminary Investigation Report
Lebanon Borough
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Block 4, Lot 1.05



Redevelopment Study and Preliminary Investigation Report
Lebanon Borough
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Block 4, Lot 1.05



Redevelopment Study and Preliminary Investigation Report
Lebanon Borough
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Block 4, Lot 1.05



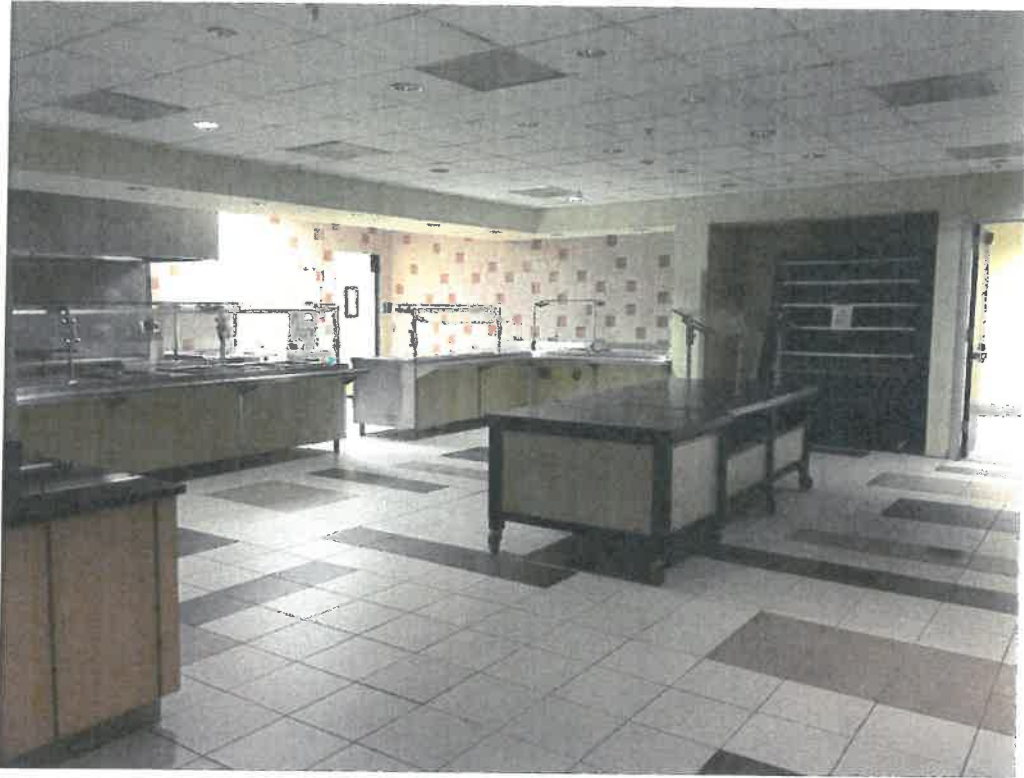
Redevelopment Study and Preliminary Investigation Report
Lebanon Borough
Block 4, Lots 1.01, 1.02, 1.03, 1.04, 1.05, 2, 5, 7, 8 and 9

Block 4, Lot 1.05



Redevelopment Study and Preliminary Investigation Report
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Block 4, Lot 1.05



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Block 4, Lot 1.05



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Block 4, Lot 1.05



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Block 4, Lot 1.05



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Block 4, Lot 1.05



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Block 4, Lot 1.05



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Block 4, Lot 1.05



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Block 4, Lot 1.05



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Block 4, Lot 1.05



Redevelopment Study and Preliminary Investigation Report

Lebanon Borough

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Block 4, Lot 1.05



Redevelopment Study and Preliminary Investigation Report

Lebanon Borough

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Block 4, Lot 1.05



Redevelopment Study and Preliminary Investigation Report
Lebanon Borough
Block 4, Lots 1.01, 1.02, 1.03, 1.04, 1.05, 2, 5, 7, 8 and 9

Block 4, Lot 2



Redevelopment Study and Preliminary Investigation Report

Lebanon Borough

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Block 4, Lot 2



Redevelopment Study and Preliminary Investigation Report
Lebanon Borough
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Block 4, Lot 2



Redevelopment Study and Preliminary Investigation Report
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Block 4, Lot 2



Redevelopment Study and Preliminary Investigation Report
Lebanon Borough
Block 4, Lots 1.01, 1.02, 1.03, 1.04, 1.05, 2, 5, 7, 8 and 9

Block 4, Lot 5



Redevelopment Study and Preliminary Investigation Report
Lebanon Borough
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Block 4, Lot 5



Redevelopment Study and Preliminary Investigation Report
Lebanon Borough
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Block 4, Lot 5



Redevelopment Study and Preliminary Investigation Report

Lebanon Borough

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Block 4, Lot 5



Redevelopment Study and Preliminary Investigation Report
Lebanon Borough
Block 4, Lots 1.01, 1.02, 1.03, 1.04, 1.05, 2, 5, 7, 8 and 9

Block 4, Lot 7



Redevelopment Study and Preliminary Investigation Report

Lebanon Borough

Block 4, Lots 1.01, 1.02, 1.03, 1.04, 1.05, 2, 5, 7, 8 and 9

Block 4, Lot 7



Redevelopment Study and Preliminary Investigation Report

Lebanon Borough

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Block 4, Lot 7



Redevelopment Study and Preliminary Investigation Report

Lebanon Borough

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Block 4, Lot 7



Redevelopment Study and Preliminary Investigation Report
Lebanon Borough
Block 4, Lots 1.01, 1.02, 1.03, 1.04, 1.05, 2, 5, 7, 8 and 9

Block 4, Lot 8



Redevelopment Study and Preliminary Investigation Report
Lebanon Borough
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Block 4, Lot 8



Redevelopment Study and Preliminary Investigation Report

Lebanon Borough

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Block 4, Lot 8



Redevelopment Study and Preliminary Investigation Report
Lebanon Borough
Block 4, Lots 1.01, 1.02, 1.03, 1.04, 1.05, 2, 5, 7, 8 and 9

Block 4, Lot 9



Redevelopment Study and Preliminary Investigation Report
Lebanon Borough
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Block 4, Lot 9



Redevelopment Study and Preliminary Investigation Report
Lebanon Borough
Block 4, Lots 1.01, 1.02, 1.03, 1.04, 1.05, 2, 5, 7, 8 and 9

Block 4, Lot 9



Lebanon Borough Monthly Assessor Report

Period ending: 11/15/2020

Deeds processed:	5
Permits/CO's processed:	5
Properties inspected:	3
200' Adjacent Property Lists:	2
Phone calls taken:	14
E-mail inquiries:	9

Update with County Tax Board:

Added appeal hearings will be in mid-December.

Update on State Tax Court Appeals:

No change.

Other work in progress:

Waiting for approval from County Tax Board for compliance plan for Lebanon Commons.

Jeffrey Burd, CTA



YOUR GOALS. OUR MISSION.

LEBAOH-16002

August 11, 2020

Karen M. Romano
Borough Administrator/Clerk
Borough of Lebanon
6 High Street
Lebanon, NJ 08833

**Re: Proposal for Professional Planning Services:
Redevelopment and Rehabilitation Designation Study**

Dear Ms. Romano:

T&M Associates is pleased to submit this proposal to provide the Borough of Lebanon with professional planning services to undertake an investigation and prepare a study to evaluate whether the study area identified below (“Corporate Drive Study Area”) qualifies as either a non-condemnation redevelopment area and/or rehabilitation area pursuant to the Local Redevelopment and Housing Law (LRHL). In accordance with Lebanon Borough Planning Board Resolution No. 2020-06:

The study area ... shall consist of the area bounded by the north side of Route 22 at its intersection with Corporate Drive, and then on a perpendicular course, north to Interstate 78 (eastbound), and then westerly along I-78 to its intersection with Cokesbury Road, and then southerly along Cokesbury Road to Route 22, and then easterly along Route 22 to the point and place of its beginning, but also to include the driveway entrances and exits of Corporate Drive, as well as, the intersection of State Highway Route 22 and Cokesbury Road, and to include all public right-of-way areas located therein.

T&M proposes the following scope of services for this project.

SCOPE OF SERVICES

1. Redevelopment Study and Preliminary Investigation Report

T&M will undertake a redevelopment study and prepare a preliminary investigation report for the study area. The report will analyze the study area to determine if it meets the statutory criteria as set forth in N.J.S.A 40A:12A-5 (the “Local Redevelopment Housing Law” or “LRHL”) and, therefore, qualifies as an area in need of redevelopment. As part of its analysis, T&M will prepare a map delineating the boundaries of the proposed redevelopment area.

As part of the preliminary investigation, T&M staff will undertake a site visit and field investigation to identify existing conditions and uses in the study area. If necessary, T&M will coordinate a site inspection with members of the Borough’s departments, and other professionals or Borough staff as recommended by the Borough, to evaluate the physical condition of buildings and improvements in the study area. T&M will further coordinate with Borough of Lebanon in obtaining relevant information and data concerning the study area.



Le: Karen M. Romano, Borough Administrator/Clerk

**Re: Proposal for Professional Planning Services:
Redevelopment/Rehabilitation Designation Study**

T&M will document the physical conditions existing in the study area and review relevant data and information to determine whether the study area is in need of redevelopment. It is our understanding that the Planning Board or Borough will be responsible for obtaining necessary permission for on-site investigations and interior examinations of buildings and structures as may be necessary. Alternatively, T&M will record on-site conditions as best as practicable from the public rights-of-way and available aerial photographs.

Data and records to be reviewed may include municipal tax assessment records; local building, housing, fire, health, police, and property maintenance code enforcement records, as may be applicable; aerial photographs and maps, including available state and county GIS data; New Jersey Department of Environmental Protection (NJDEP) data on known contaminated sites, and state and national historic registers. It is anticipated that the Borough and its professionals will provide T&M with all necessary records, background data, and information necessary to complete the report.

As part of its research, T&M will review the following data and documentation:

- Available statewide geographic information system (GIS) data regarding the study area (n.b., T&M will map same).
- Tax assessment data provided by the Borough to evaluate whether or not the area exhibits a growing lack of proper utilization leading to stagnant and unproductive condition of land.
- Documentation concerning environmental contamination that may exist on the property in the study area and any measures taken to remediate these conditions. T&M's evaluation of environmental conditions will be based on existing documentation, NJDEP records, and other available public and private reports and studies. T&M will not undertake any independent environmental evaluations or studies of the study area. It is anticipated that the Borough will provide T&M with available public records concerning the environmental condition of the properties in the study area.

After all the data is collected and analyzed, T&M will prepare a report containing the findings of the preliminary investigation. The preliminary investigation report will contain a detailed land use planning analysis of the study area. The report will include: (1) a description of the physical conditions within the study area, including existing land uses, building and environmental conditions, and site layout; (2) a review of the zoning and master plan designations for the area; and, (3) an analysis describing how the study area meets the statutory criteria.

The preliminary investigation report will contain all relevant documentation, including photographs and maps, to support the conclusion that the study area is or is not in need of redevelopment. The report also will contain an aerial photograph of the study area, as well as, other maps and graphics to illustrate and support the planning analysis contained in the report.

T&M will prepare the necessary exhibits and presentation for purposes of providing oral testimony before the Borough's Planning Board regarding the findings of the Preliminary Investigation Report.



Le: Karen M. Romano, Borough Administrator/Clerk
Re: Proposal for Professional Planning Services:
Redevelopment/Rehabilitation Designation Study

Please be advised that by submitting this proposal, T&M makes no representations regarding its potential recommendations regarding the study area. It is understood by T&M and Borough of Lebanon that these recommendations could range from a determination that the study area is in need of redevelopment, a portion of the study area is need of redevelopment, or that the study area is not in need of redevelopment.

2. Rehabilitation Area Analysis

In conjunction with the redevelopment study described above, T&M will undertake an investigation of the conditions exhibited on the study area in relation to the criteria to determine if an area is in need of rehabilitation as set forth in Section 14 of the LRHL, which specifies that:

A delineated area may be determined to be in need of rehabilitation if the governing body of the municipality determines by resolution that a program of rehabilitation, as defined in section 3 of P.L.1992, c.79 (C.40A:12A-3), may be expected to prevent further deterioration and promote the overall development of the community; and that there exist in that area any of the following conditions such that (1) a significant portion of structures therein are in a deteriorated or substandard condition; (2) more than half of the housing stock in the delineated area is at least 50 years old; (3) there is a pattern of vacancy, abandonment or underutilization of properties in the area; (4) there is a persistent arrearage of property tax on properties in the area; (5) environmental contamination is discouraging improvements and investment in properties in the area; or (6) a majority of the water and sewer infrastructure in the delineated area is at least 50 years old and is in need of repair or substantial maintenance.

If T&M determines that conditions exist to designate the study area or a portion of the study area as an area in need of rehabilitation, T&M will prepare a planning analysis setting forth the factual basis and support for the determination, along with any relevant certifications or reports from Borough professionals supporting the designation. This analysis will be included with the redevelopment study and preliminary investigation report described in Task 1.

DELIVERABLES

T&M will provide the Borough with the following deliverables:

1. Draft redevelopment/rehabilitation study: One (1) digital copy.
2. Final report: One (1) digital copy, and up to fifteen (15) color print copies.

MEETINGS

This proposal anticipates that no more than three (3) meetings will be necessary, as outlined below:

- Up to one (1) project kick-off meeting with Borough staff.
- Up to one (1) meeting with Borough staff to review the draft investigation.



Le: Karen M. Romano, Borough Administrator/Clerk
Re: Proposal for Professional Planning Services:
Redevelopment/Rehabilitation Designation Study

- One (1) meeting with the Borough Planning Board to present the findings of the Preliminary Investigation Report as part of the public hearing on the proposed redevelopment area designation.

PROJECT SCHEDULE

The project will be completed within two (2) to three (3) months from authorization, depending upon the anticipated Planning Board meeting schedule.

PROPOSED FEE

T&M estimates that the total cost for the scope of services herein is **\$15,000** and will be provided pursuant to the attached hourly billing rate schedule and schedule of miscellaneous charges.

Any work, including meetings, reports, and analysis not covered in the Scope of Services listed above may be provided upon written authorization of the Borough on a time and materials basis in accordance with the attached rate schedule. No additional work or services will be undertaken without written authorization from the Borough.

We are excited about the opportunity to assist Borough of Lebanon in its continuing efforts to revitalize and redevelop its community and look forward to the opportunity of working with the Borough on this project. Please do not hesitate to contact me if you have any questions concerning this proposal.

Very truly yours,

T&M ASSOCIATES

STANLEY SLACHETKA, PP, AICP
PLANNING GROUP MANAGER



STANDARD TERMS AND CONDITIONS FOR PROFESSIONAL SERVICES

These Standard Terms & Conditions shall govern the performance of services pursuant to this Agreement.

As used herein, the term "Client" refers to the Client identified in T&M's Proposal / Scope of Services. The term "T&M" refers to T&M Associates. The Client and T&M may be referred to individually as a "Party" or collectively as the "Parties". The term "Agreement" refers to this contract between T&M and the Client consisting of (1) the T&M Proposal / Scope of Services, and (2) these Standard Terms and Conditions. The "Project" is identified in T&M's Proposal / Scope of Services.

1. SCOPE OF SERVICES.

- a. Descriptions of the services to be provided by T&M are set forth in the Proposal/Scope of Services (the "Services"). Services not set forth in the Scope of Services, or specifically itemized as additional services, are excluded from the scope of T&M's Services (the "Additional Services") and T&M assumes no responsibility to perform such Additional Services. If any Additional Services become necessary during the course of the Project, T&M can perform such Additional Services in accordance with a written agreement between the Client and T&M for such Additional Services.
- b. T&M shall have no obligation to commence the Services as stipulated in this Agreement and / or any associated work authorization until both this Agreement and any applicable work authorization are fully executed and delivered to T&M.

2. COMPENSATION.

- a. **BILLING RATES.** Client shall compensate T&M at the billing rates identified in T&M's Proposal. Unless otherwise provided in the Proposal, compensation for Services shall be based on T&M's Schedule of Hourly Billing Rates and Schedule of Miscellaneous Charges in effect at the time Services are performed.
- b. **REIMBURSABLE EXPENSES.** Client shall pay T&M for reimbursable expenses according to the current Schedule of Miscellaneous Charges including, without limitation, application fees, printing and reproduction, courier and express delivery service, bulk / special mailings, facsimile transmissions and other costs of acquiring materials specifically for Client and related charges.
- c. **INVOICES.** T&M shall submit invoices monthly and payment in full is due and payable thirty (30) days from the date of T&M's invoice. Services shall be billed at a minimum increment of 0.25 hour. If Client fails to make any payment due T&M for services and expenses within thirty (30) days after receipt of invoice, the amounts due T&M will accrue interest at the rate of one percent (1.0%) per month until paid in full.
- d. **SUSPENSION OF SERVICES.** Once a payment is PAST DUE, the Client shall be deemed to be in breach of this Agreement and any other agreements between the Client and T&M. If a payment is PAST DUE, T&M may suspend performance of all Services provided to the Client until T&M has been paid all amounts due and T&M shall have no liability whatsoever to the Client for any costs, delays or damages resulting from T&M's suspension of services caused by the Client's breach of this Agreement.
- e. **TERMINATION.** Client or T&M may terminate this Agreement with ten (10) days prior written notice for convenience or cause. In the event of termination, T&M shall be paid for all services rendered and costs incurred up to the date of termination in accordance with the payment terms herein.
- f. **COLLECTION COSTS.** In the event legal action is necessary to enforce the payment provisions of this Agreement, T&M shall be entitled to recover from the Client the reasonable attorneys' fees, court costs and expenses incurred by T&M in connection therewith.
- g. **FEE DURATION & ANNUAL ADJUSTMENT.** The hourly rates charged for T&M employees are adjusted annually in January to reflect changes in the various elements that comprise such hourly rates with a corresponding adjustment in fee. All adjustments in rates will be in accordance with generally accepted practices consistent with T&M's procedures.

3. STANDARD OF CARE.

The standard of care for all professional services performed or furnished by T&M under this Agreement will be the care and skill ordinarily used by members of T&M's profession practicing under similar circumstances at the same time and in the same locality and based on facts and information available at the time services are provided. T&M makes no warranties, expressed or implied in connection with T&M's Services.

4. OWNERSHIP AND USE OF DOCUMENTS.

All reports, plans, specifications, computer files, field data, notes and other files and documents prepared by T&M pursuant to this Agreement (the "Documents") are instruments of T&M's professional services and T&M shall retain an ownership and property interest therein. Provided full payment for Services rendered and costs incurred is made by the Client to T&M, T&M grants to the Client a license to use the Documents for the purpose of constructing, occupying and maintaining the Project. The Documents are not intended or represented to be suitable for reuse by the Client or others on extensions of this Project or on any other project. Any reuse, dissemination, or modification of the Documents without T&M's written approval shall be at Client's sole risk and without liability to T&M and the Client agrees to indemnify, defend and hold harmless T&M from all claims, damages and expenses, including attorneys' fees and costs, arising out of such reuse by the Client or by others acting through the Client.

5. CONFIDENTIALITY.

All information that the Client deems confidential shall be prominently branded "Confidential Information" prior to releasing said information to T&M. T&M will not intentionally divulge information regarding the Project that the Client designates as confidential, except (i) to the Client or parties designated by the Client; (ii) in response to a subpoena or other similar legal requirements; and / or (iii) in the event that withholding such information could create risk of significant harm to the public. Information that is in the public domain, that is provided to T & M by third parties is not considered confidential. Any information that is not clearly marked "Confidential Information" by the Client prior to disclosure to T&M shall not be deemed as confidential. Pursuant to T&M's company retention policy, both Parties shall retain copies of any and all Confidential Information, which shall remain confidential, for archival purposes. The Client authorizes T&M to identify the Client as a T&M client and use photographs or illustrations of the Project and non-confidential information in any sales or marketing literature.

6. CONSTRUCTION COST ESTIMATES.

The Client shall advise T&M in writing of any budgetary limitations for the overall cost of construction. T&M will endeavor to work within such limitations and will, if requested and included within the Proposal / Scope of Services, submit to the Client an opinion of probable construction cost. Opinions of probable construction cost will represent T&M's reasonable judgment as a design professional familiar with the construction industry but do not represent, warrant or guarantee that bids or negotiated prices will not vary or exceed budgets or opinions of probable cost or evaluations prepared or agreed to by T&M. The Client acknowledges that neither T&M nor the Client has control over the cost of labor, materials or methods by which contractors determine prices for construction, competitive bidding, markets, or negotiation conditions.

7. RESPONSIBILITY DURING CONSTRUCTION.

T&M's Services during the construction phase are intended to provide the Client a greater degree of confidence that the completed work of contractor(s) will conform in general to the approved plans and related documents. T&M will endeavor to observe the progress and quality of the executed work of contractor(s) and determine in general if such work is proceeding in accordance with the requirements of the Project. T&M shall not be required to make exhaustive or continuous on-site inspections to check the quality or quantity of such work. T&M shall not be responsible for the means, methods, techniques, sequences or procedures of construction selected by contractors or the safety precautions and programs incident to the work of contractor(s) or for any failure of any contractor to comply with laws, rules, regulations, ordinances, codes or orders applicable to a contractor furnishing and performing the work. Accordingly, T&M neither guarantees the performance of any contractor nor assumes any responsibility for any contractor's failure to furnish and perform its work in accordance with the contract documents. T&M shall not be responsible for the acts or omissions of the Client, the Client's other consultants, contractors and their respective subs, agents or employees, or other persons for whom the Client is responsible.

8. SITE CONDITIONS.

T&M shall not be liable for damage or injury to any subterranean structures (including, but not limited to, utilities, mains, pipes, tanks, and telephone cables) or any existing subterranean conditions; or the consequences of such damage or injury, if (with respect to this clause) (i) such structures or conditions were unknown and were not identified or shown, or were incorrectly shown, in information or on plans furnished to or obtained by T&M in connection with the Services; (ii) concealed conditions are encountered in the performance of the Services; (iii) concealed or unknown conditions in an existing structure are at variance with the conditions indicated by the Proposal / Scope of Services or work authorization; or (iv) unknown physical conditions below the surface of the ground are encountered that differ materially from those ordinarily encountered and are generally recognized as inherent in work of the character provided under this Agreement.

The Client shall provide to T&M all plans, maps, drawing and other documents identifying the location of any subterranean structures on the Site. Prior to location of any drilling or excavation below the ground surface, T&M shall

obtain the concurrence of the Client as to the location for such drilling or excavation. Should: (i) subterranean structures or existing subterranean conditions be unknown and not identified or shown, or be incorrectly shown, in information or on plans furnished to or obtained by T&M in connection with the Services; (ii) concealed conditions be encountered in the performance of the Services; (iii) concealed or unknown conditions in an existing structure be at variance with the conditions indicated by the Proposal / Scope of Services or work authorization; or (iv) unknown physical conditions below the ground differ materially from those ordinarily encountered and generally recognized as inherent in work of the character provided under this Agreement; then the amount of this Agreement and / or time for performance shall be equitably adjusted by change order upon claim by either Party made within twenty (20) days after the first observance of the conditions.

The Parties agree that reports prepared by or on behalf of T&M pertaining to site conditions, including, but are not limited to, environmental, geotechnical or geologic reports (*hereinafter collectively the "Site Condition Reports"*), are prepared for the exclusive use of the Client and its authorized agents, and that no other party may rely on the Site Condition Reports unless T&M agrees in advance to such reliance in writing. The Site Condition Reports are not intended for use by others, and the information contained therein is not applicable to other sites, projects or for any purpose, except the one originally contemplated in the Services. The Client acknowledges that the Site Condition Reports are based on conditions that exist at the time a study is performed and that the findings and conclusions of the Site Condition Reports may be affected by the passage of time, by man-made events such as construction on or adjacent to the site, or by natural events such as floods, earthquakes, slope instability or groundwater fluctuations, among others. The Parties agree that interpretations of subsurface conditions by T&M and / or its subcontractors may be based on limited field observations including, without limitation, from widely spaced sampling locations at the site of the Project. The Client acknowledges that site exploration by T&M and / or its subcontractors will only identify subsurface conditions at those points where subsurface tests are conducted or samples are taken. The Parties agree that T&M and / or its subcontractors may review field and laboratory data and then apply professional judgment to render an opinion about subsurface conditions at the site of the Project and that the actual subsurface conditions may differ, sometimes significantly, from those indicated by T&M and / or its subcontractors. The Client agrees that any report, conclusions or interpretations will not be construed as a warranty of the subsurface conditions by T&M and / or its subcontractors. The Parties further agree that no warranty or representation, express or implied, is included or intended in any reports, conclusions, or interpretations prepared by or on behalf of T&M pertaining to the site conditions.

9. UNANTICIPATED CONDITIONS.

If during the performance of T&M's services, any unanticipated conditions are observed, which in T&M's judgment may affect the Proposal / Scope of Services, T&M will notify the Client. The Client agrees that the discovery of such unanticipated conditions constitutes a significant change in the Proposal / Scope of Services. Based on T&M's evaluation of unanticipated conditions, T&M is authorized to take any of the following action: (a) Complete the original Scope of Services in accordance with the procedures originally intended in the Proposal; or (b) Stop Work pending written agreement with the Client to modify the Scope of Services and Fees as required by the previously unanticipated conditions; or (c) Terminate the Services effective on the date specified by T&M in writing. The Client shall waive any claim against T&M and agrees to indemnify, defend and hold T&M harmless from any claim of liability for injury or loss arising from the encountering of unanticipated conditions.

10. HAZARDOUS CONDITIONS.

It is acknowledged by both parties that T&M's Scope of Services does not include any services related to asbestos or hazardous or toxic materials. T&M shall have no responsibility for the discovery, presence, handling, removal or disposal of, or exposure of persons to hazardous materials or toxic substances in any form at the Project site. In the event T&M or any other party encounters asbestos or hazardous or toxic materials at the site of the Project, or should it become known in any way that such materials may be present at the site of the Project or any adjacent areas that may affect the performance of T&M Services, T&M may, at its sole option and without liability for consequential or any other damages, suspend performance of Services on the project until the Client takes steps to identify, abate and/or remove the asbestos or hazardous or toxic materials, and to warrant that the site of the Project is in full compliance with applicable laws. If, in T&M's sole opinion, site conditions represent a threat to the public health or an environmental hazard, T&M will so advise the Client, so the Client may notify appropriate authorities. If the Client fails to act in a responsible manner, T&M may notify the appropriate authorities. The Client waives any claim against T&M and agrees to defend, indemnify and save T&M harmless from any claim or liability arising from the conditions or notifications of conditions at the site.

11. FORCE MAJEURE.

T&M is not responsible for delays caused by factors beyond T&M's reasonable control, including, but not limited to,

delays due to strikes, lockouts, work slowdowns or stoppages, accidents, acts of God, failure of any governmental or other regulatory authority to act in a timely manner, failure of the Client or owner of the Project to furnish timely information or to provide review comments promptly; or delays caused by faulty performance by the Client, consultants or contractors at any level.

12. CONSEQUENTIAL DAMAGES.

In no event shall T&M be liable in contract, tort, strict liability or otherwise for any incidental, special, indirect, consequential, punitive or exemplary damages, including but not limited to loss caused by delay, commercial loss, or lost profits or revenues or opportunities resulting from any service furnished by T&M under this Agreement.

13. INSURANCE.

- a. **LIMITS.** T&M shall maintain for the term of this project the following types of insurance and minimum limits: (i) Worker's Compensation and Employer's Liability Insurance, per statutory limits; (ii) Comprehensive General Liability Insurance, a total of \$1,000,000 each occurrence and \$2,000,000 in aggregate; (iii) Comprehensive Automobile Liability insurance, a total of \$1,000,000 each occurrence and \$2,000,000 in aggregate; and (iv) Professional Errors and Omissions insurance with a per claim limit of not less than \$3,000,000. Certificates for policies of insurance will be provided to the PROJECT OWNER upon request.
- b. **WAIVER OF SUBROGATION.** Both Parties waive all rights against each other and their respective subconsultants, subcontractors, employees, and agents for any and all damages caused by fire or other causes of loss to the extent covered by insurance set forth herein, except such rights as they may to the proceeds of insurance. The waiver shall be effective as to a person or entity (a) even though that person or entity would otherwise have a duty of indemnification, contractual or other, (b) even though that person or entity did not pay the insurance premium directly or indirectly, or (c) whether or not the person or entity had an insurable interest in the damaged property.

14. INDEMNIFICATION.

T&M agrees, subject to the provisions contained herein, to indemnify the Client, and the Client's officers, directors and employees, from and against any losses, damages and judgments arising from claims by third parties but only to the extent they are found to be caused solely by T&M's negligent acts, errors or omissions in the performance of professional services under this Agreement. T&M's obligation to indemnify and hold harmless the Client and its officers, directors, and employees does not include a duty to defend. This indemnification provision is subject to and limited by the provisions agreed to by the Client and T&M in the "Limitations of Liability" section of these Standard Terms and Conditions.

The Client agrees, subject to the provisions contained herein, to indemnify T&M, and T&M's officers, directors and employees, from and against any losses, damages and judgments caused by the Client's acts, errors or omissions and by any of Client's contractors, subcontractors or consultants or anyone for whom the Client is legally liable.

15. LIMITATION OF LIABILITY.

The Client and T&M agree that T&M's total liability for any and all losses, judgments, injuries, claims, expenses and damages arising out of, resulting from or in any way relating to this Agreement or T&M's Services, shall be limited to the total sum of \$50,000.00 or T&M's total fee for Services rendered on this Project, whichever is less. The Client hereby releases T&M from any liability above such amount. The Client waives such claims and causes including, but not limited to, negligence, professional errors or omissions, direct or indirect damages, delays, consequential damages, lost profits, strict liability, and breach of contract or breach of warranty.

16. GOVERNING LAW.

The laws of the State within which the Project is located will govern the validity of this Agreement, its interpretation and performance.

17. INDEPENDENT CONTRACTOR.

Unless otherwise provided in our proposal, T&M is and shall be an independent contractor in the performance of services under the Agreement, maintaining complete control of its employees and operations and neither T&M nor anyone employed by T&M shall be the agent, representative, employee or servant of the Client in the performance of services under this Agreement.

18. ASSIGNMENT.

Neither T&M nor the Client shall assign or transfer their interest in the Agreement without the written consent of the other Party. However, nothing contained in this paragraph shall prevent T&M from employing such consultants or subconsultants as T&M may deem appropriate. The covenants and agreements contained herein shall apply to and be binding upon the Parties hereto and upon their respective assigns and successors.

19. WAIVER OF JURY TRIAL.

The Client and T&M specifically waive their rights to a jury trial to resolve any and all claims, including, but not limited to, those sounding in contract, tort or statute, against the other arising out of or connected in any way to this Agreement and Project because the Parties hereto believe that the complex commercial and professional aspects of their dealings with one another make a jury determination neither desirable nor appropriate.

20. DISPUTE RESOLUTION.

The Client and T&M agree that they shall submit any and all unsettled claims, counterclaims or other unresolved disputes to non-binding mediation, where each Party shall pay its own costs and fifty percent (50%) of the mediator's fees. This provision shall not apply to fee collection lawsuits. Any and all claims and / or causes of action between the Parties arising out of or relating to this Agreement may be brought by either Party within eight (8) years of substantial completion of the Project or termination of this Agreement, whichever is sooner.

21. SEVERABILITY.

If any provision contained herein is held to be unenforceable by a court of law or equity, the Agreement shall be construed as if such provision did not exist and the unenforceability of such a provision shall not be held to render any other provision of the Agreement unenforceable.

22. SURVIVAL.

The express representations, indemnification and limitations of liability contained in this Agreement will survive the completion of all services of T&M under this Agreement or the termination of this Agreement for any reason.

23. EXECUTION.

This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, but all of which, taken together, shall constitute one and the same agreement. Execution and delivery of this Agreement may be evidenced by e-mail or facsimile transmission.

24. ENTIRE AGREEMENT.

This Agreement (consisting of (1) *Proposal / Scope of Services* and (2) *Standard Terms & Conditions*) comprises the final and complete agreement between the Client and T&M. It supersedes all prior or contemporaneous communications or Agreements, whether oral or written, relating to the subject matter of this Agreement. Execution of this Agreement signifies that each Party has read the document thoroughly, has had the opportunity to have questions explained by independent counsel and accepts the terms and conditions contained herein. Amendments to this Agreement shall not be binding unless made in writing and signed by both the Client and T&M. In the event the Client provides any kind of work authorization whatsoever, verbal or written, for the commencement of T&M's Services or any Additional Services, or any portions thereof, prior to the Client's execution of this Agreement, these terms and conditions, including terms of payment herein, shall govern the Services performed by T&M pursuant to the Project and shall be binding upon the Parties. To the extent the Client provides its own agreement and that agreement is silent with respect to any term or condition expressed herein, these conditions shall prevail and shall be binding upon the Parties. In the event of a conflict between the Standard Terms and Conditions and the Proposal / Scope of Services, the Standard Terms and Conditions will control.

Effective: January 1, 2020

Contracted Services

Including subconsultants, contracted labor,
Sub-professionals, and subcontractors..... Invoice Cost + 15%

Direct Expenses

- Disbursements to agencies, vendors and suppliers


Includes: equipment; interstate transportation;
permit, application, review, and similar fees; printing,
plotting, reproduction, binding, and other graphic
services; outside computer services; title, research,
and data services; courier and express services;
project field office expenses; and out-of-state telephone costs..... Invoice Cost

- Other Charges

Mileage..... Commensurate with IRS Guidelines
Travel and Subsistence..... Invoice Cost
Field Vehicles..... \$105/Day



SCHEDULE OF HOURLY BILLING RATES



2020 Schedule of Hourly Billing Rates	
Billing Title	Billing Rate/Hour
Intern Administrative Support Staff	\$97.00
Junior Field Staff	\$116.00
Junior Technical Staff	\$142.00
Technical Staff Field Staff	\$163.00
Junior Professional Staff Senior Technical + Field Staff	\$175.00
Professional Staff Supervising Technical Staff	\$188.00
Senior Professional Staff	\$206.00
Group Manager Department Manager Corporate Manager	\$213.00

Billing Basis: Fixed Rate for Each Billing Title

2020 M-Rates – NJM

T&M occasionally uses part-time and temporary staff to meet peak workload demands, and these staff will be billed in accordance with the rate schedule above.





**BOROUGH OF LEBANON
STREET OPENING PERMIT**

APPLICANT: Elizabethtown Gas c/o Sharaey Morrison PHONE: 908-662-8399
ADDRESS OF APPLICANT: 520 Green Lane FAX: 908-662-8493
Union, NJ 07083 EMAIL: SMorrison@sjindustries.com

NAME OF STREET: 156 Main St LOCATION OF WORK: _____

DESCRIPTION OF WORK: new gas installation ***Opening behhind curb***

LENGTH OF OPENING IN SHOULDER: N/A LENGTH OF OPENING IN PAVEMENT: N/A

ESTIMATED START DATE: upon approval ESTIMATED DURATION OF WORK (DAYS): (1) half-day

The Applicant, by signature of this application agrees to adhere to all provisions of Ordinance No. 2014-07 Governing the Opening and Street Excavation of Any Public Right of Way and the Typical Trench Details for Borough of Lebanon Road Openings, which are part of the street opening ordinance.

SIGNATURE OF APPLICANT: Sharaey Morrison Check if NJ Public Utility Corporation

SUBMITTALS

- Four (4) copies of Application and Construction Drawings Submitted
- Application Fee (\$100.00 per opening, per street address). Inspection fees to be calculated by the Borough Engineer, separate checks to be issued.
- Insurance Certificates

APPROVALS

JOSEPH HAUCK, SHADE TREE CHAIR COMMENTS: _____
Date: _____

JAMES A. HILL, PE, LBSA ENGINEER COMMENTS: FIELD CK LOCATION OF LATERAL
MAY BE WITHIN 5' OF PROPOSED
GAS INSTALLATION, NEED OBSERVATION
 Inspection by LBSA required

PAUL FERRIERO, PE, BOROUGH ENGINEER COMMENTS: 72 hr NOTICE REQUIRED
STANDARD TRENCH RESTORATION
DETAIL IS APPLICABLE (ATTACHED)
Date: 11/11/20

5-YEAR MORATORIUM IN EFFECT: NO

BOROUGH INSPECTION FEE: \$250.00 ✓ PRECONSTRUCTION MEETING REQUIRED: No

LBSA INSPECTION FEE: \$250.00 ✓ CASH DEPOSIT OR SURETY BOND: \$1,000.00

KAREN M. ROMANO, BOROUGH ADMINISTRATOR APPROVED BY COUNCIL: _____
Date: _____ (Date)

Not to Scale

Customer Name DIANNE STOREY
 Contact Number (908) 217-4500
 Address 156 MAIN ST
 Town Lebanon
 Main to Curb 3'
 Service Length 50'
 Meter Size AC-250 @ 6
 Regulator Type 1" B42R, 3/16" @ 6" wc
 Excess Flow Valve 3/4" UMAC 1800

Nearest Street

CLARK RD - 228' to the Left



Preferred Location
 No 156

3/4" Plastic

FIELD CK LOCATIONS

MH 61



62 FT TO LATERAL
3.77 in
4" EP-55 Plastic

LATERAL

MAIN St

MH 60

Notes

LBSA LINE

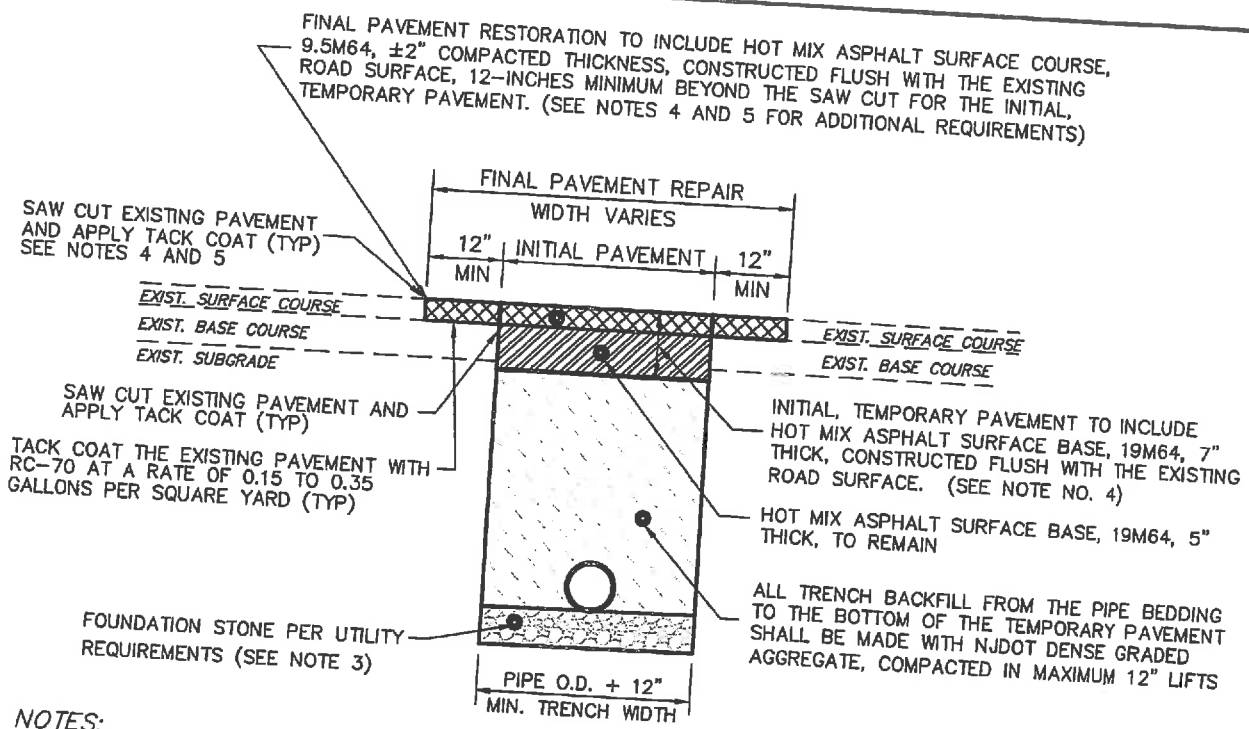
Customer Signature

- Septic
- Driveway in Path
- Elaborate Landscaping
- New Pavement
- Inside Meter
- Sprinkler
- Dog Fence
- Underground Electric
- Underground Oil Tank



10/23/2020

O-I-R-BC-S



NOTES:

1. THE LIMITS OF THE ROAD OPENING TRENCH SHALL BE SAW CUT TO A NEAT, STRAIGHT EDGE AND TACK COATED WITH EMULSIFIED ASPHALT.
2. ON AREAS SEALED WITH AC-20, DRY SAND SHALL BE SPRINKLED TO PREVENT PICK UP BY TRAFFIC.
3. FOUNDATION STONE AND PIPE BEDDING FOR UTILITY LINES TO BE AS REQUIRED BY THE RESPECTIVE UTILITY COMPANY. FOUNDATION STONE FOR STORM DRAINS AND SANITARY SEWER LATERALS AND MAINS TO BE 3/4" CLEAN BROKEN STONE OR NJDOT NO. 57 IN AREAS DEEMED DRY AND SUITABLE BY THE BOROUGH ENGINEER.
4. THE HOT MIX ASPHALT BASE COURSE SHALL BE CONSTRUCTED FLUSH TO THE EXISTING PAVEMENT AND SHALL BE UTILIZED AS THE INITIAL, TEMPORARY SURFACE FOR A PERIOD OF SIX (6) MONTHS. AT THE END OF THE 6 MONTH PERIOD, THE TEMPORARY SURFACE SHALL BE MILLED TO A DEPTH OF 2 INCHES, A MINIMUM OF 12" BEYOND EACH EDGE OF THE TEMPORARY SURFACE, PRIOR TO CONSTRUCTING THE FINAL PAVEMENT COURSE. (SEE ADDITIONAL NOTES REGARDING THE FINAL PAVEMENT SURFACE WIDTH IN REGARD TO THE LOCATION OF EXISTING PAVEMENT SEAMS AND THE EDGE OF PAVEMENT)
5. THE WIDTH OF THE FINAL PAVEMENT SURFACE SHALL BE EXTENDED TO AN EXISTING PAVEMENT SEAM IN ALL AREAS WHERE THE EDGE OF THE NORMAL SAW CUT (12-INCHES BEYOND THE INITIAL SAW CUT) IS LESS THAN 3 FEET FROM AN EXISTING SEAM OR LESS THAN 3 FEET FROM THE EDGE OF PAVEMENT OR CURB FACE.
6. DURING THE 6 MONTH PERIOD WHERE THE TEMPORARY SURFACE IS UTILIZED, THE PERMITTEE SHALL BE RESPONSIBLE TO REPAIR ANY SETTLED AREAS WITH SURFACE COURSE MATERIAL TO ENSURE THE TEMPORARY PAVEMENT REMAINS FLUSH WITH THE EDGE OF EXISTING PAVEMENT.
7. ON BOROUGH ROADS RESURFACED WITHIN 5 YEARS OF THE PROPOSED ROAD OPENING, WHERE APPROVED BY THE GOVERNING BODY (5 YEAR MORATORIUM IN EFFECT), THE FINISHED PAVEMENT REPAIR SHALL BE CONSTRUCTED UTILIZING AN APPROVED INFRA-RED PATCHING PROCESS. THE TEMPORARY PAVEMENT AND THE REQUIRED OVERLAP AREA ON EACH SIDE SHALL BE EVENLY HEATED, WITHOUT BURNING OUT OILS, TO A TEMPERATURE OF 475° F. NEW ASPHALT STORED IN THE INFRARED HOT BOX SHALL BE USED TO REPLACE THE TEMPORARY PAVEMENT REMOVED. THE REPAIR AREA SHALL BE COMPACTED IN THE STANDARD MANNER AND THE REPAIR SHALL APPEAR NEAT, EVEN AND SEAMLESS.
8. ALL PAVEMENT MARKINGS AND STRIPING DISTURBED BY THE ROAD OPENING SHALL BE RESTORED USING LONG LIFE EPOXY RESIN STRIPING AND LONG LIFE THERMOPLASTIC PAVEMENT MARKINGS TO MATCH THE EXISTING IN WIDTH, SIZE AND COLOR.

TYPICAL TRENCH DETAILS
BOROUGH OF LEBANON, HUNTERDON COUNTY, NJ
 NOT TO SCALE



VARIANCE APPLICATION

PAGE 1 OF 4

DATE FILED: 11/16/2020 FEE FILED: \$250 -

BLOCK 7 LOT(S) 16

APPLICANT: NAME: Joann Pellegrino

MAILING ADDRESS: 56 Brunswick Ave
Lebanon, N.J. 08833

TELEPHONE NO.: 908-635-8522 FAX: _____

CORPORATION: _____ PARTNERSHIP _____ INDIVIDUAL

OTHER (please specify) _____

OWNER: NAME: AS ABOVE TELE NO. _____
MAILING ADDRESS _____

COPY OF CONDITIONAL CONTRACT OR AGREEMENT (if any) attached _____

ATTORNEY: NAME N/A TELE NO. _____
MAILING ADDRESS _____

ENGINEER: NAME N/A TELE NO. _____
MAILING ADDRESS _____

PROPERTY LOCATION: STREET ADDRESS 56 Brunswick Ave, Lebanon N.J.
08833

BLOCK 7 LOT(S) 16

PROPERTY DESCRIPTION: ZONE Residential

ACREAGE _____ SQUARE FEET _____

USE OF PROPERTY: EXISTING Residence

PROPOSED SAME w/storage

VARIANCE APPLICATION
PAGE 2 OF 4

1. Requesting permission to:
Erect Alter _____ Convert _____ Use _____
16' x 10' Storage Shed Contrary to the requirements of
Sections 9.05 Definitions Accessory Structure of the
Lebanon Borough Zoning Ordinance/Subdivision Ordinance.
2. Describe existing building (s) Framed Dwelling
3. Proposed building is: New Structure Addition _____
Size of proposed building: Front 16' Depth 10'
Height 12' to Ridge No. of Stories 1
4. Setbacks: Front To Street Rear 6'
Side 10' Side To Property Line
5. Building Coverage 25 %
Total Impervious coverage 25 %
6. Date property was acquired _____
Prevailing zone at time of acquisition Residential R-15

7. Any previous appeal, request or application to this or any other Lebanon Boards or the Building Inspector involving these premises? YES _____ NO ✓

If yes, state the nature, date and the disposition of said matter. Initial Need
for documents - NOT AWARE

VARIANCE APPLICATION
PAGE 3 OF 4

8. List the EXCEPTION conditions of the property preventing the applicant from complying With the Zoning/Subdivision Ordinance.

• No Driveway Access for a Second Garage • Only have
one car garage • 100sf Shed too small for storage Needs

9. Supply a STATEMENT OF FACTS showing why relief can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Master Plan, Zoning Ordinance and Subdivision Ordinance.

Lot/Property able to accept, No Detriment
to neighbors, No adverse environment impact

10. Submit the following:

- a) PLOT PLAN or SURVEY to scale (not less than 1" – 100') of the property, indicate the relation of the existing and/or proposed structure, and adjoining property and structures.
- b) Drawing of proposed building (scale not less than 1/8" – 1') or, of the existing Building indicating changes, alterations, or additions contemplated.

11. Supply the following:

- a) Type of construction: Frame
(Frame, Stone, Brick, Cement, etc.)
- b) Describe and deed restrictions affecting this property: None other
than dimension Requirement

c) Total proposed dwelling units	<u>None</u>
Total proposed commercial/office units	<u>None</u>
Total proposed floor area	<u>160 Sq Feet</u>
Total proposed parking spaces	<u>None</u>

**VARIANCE APPLICATION
PAGE 4 OF 4**

AUTHORIZATION & VERIFICATION

I certify that the statements and information contained in this Application are true.

Jean Pellegrino
Applicant's Signature

Date: 11/13/20

I authorize the Applicant to submit and proceed with this Application.

Jean Pellegrino
Owner's Signature

Date: 11/13/20

-
- PLEASE REFER TO ORDINANCE #2009-05 FOR FEE SCHEDULE ATTACHED
 - ESCROW AGREEMENT AND FORMS ATTACHED
-

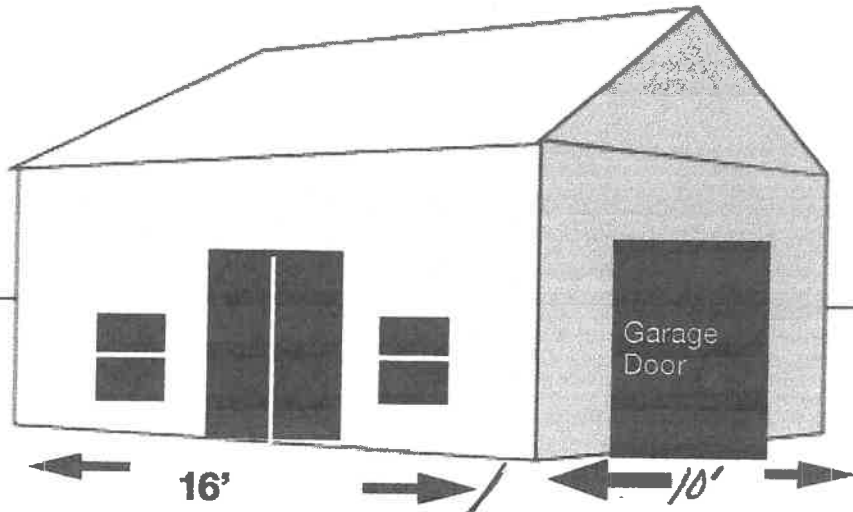


(908)236-2425

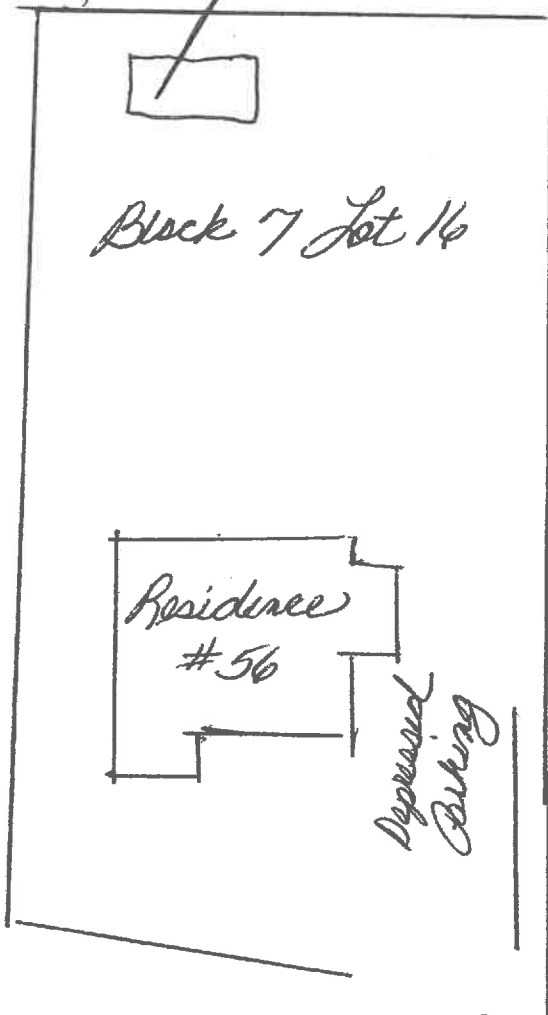
FAX: (908)236-2939

VARIANCE CHECK LIST

- FEE SCHEDULE _____
- VARIANCE APPLICATION _____ ✓
- AFFIDAVIT FORM _____ n/a
- PROPERTY OWNER LIST _____
- NOTICE FORMS (legal & P/O) _____ ✓
- REQUIREMENTS _____ ✓
- W-9 FORM (for review fees) _____
- ESCROW ACCT INFO _____
- SEWER AUTH. GUIDELINES _____ n/a
- PSE&G/UTILITIES _____ n/a
- HCPB APPLICATION _____ n/a
- HCSCD APPLICATION _____ n/a



List of
Roof



Brunswick Avenue

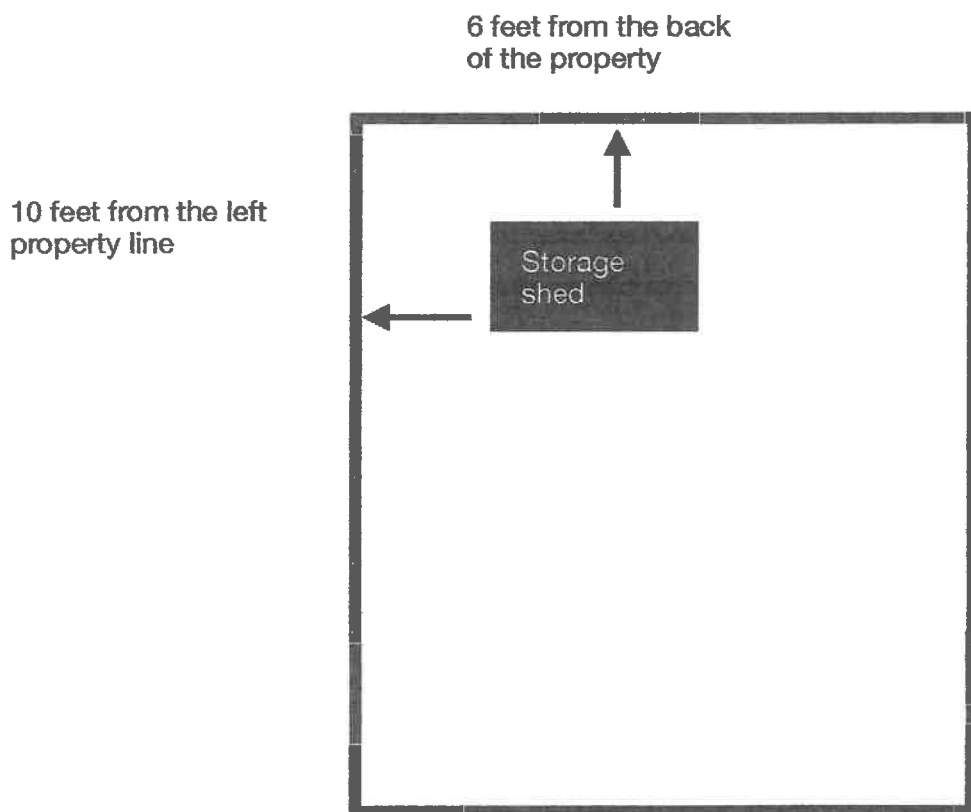
Materials	
Roof	301.98
Drip Edge	136.88
Floor	252.52
Sheathing	736.69
2x4's	808.59
Trim	274.80
Joint	85.96

Joann Pellegrino
56 Brunswick Avenue

Block 7
Lot 16

Made by: homeowner/friend the base is wood and it sits on top of a loose stone base. The ground was just leveled for placement.

Site plan:



The storage shed is 10 ft in from the left property line and six feet in from the back property line.



PLANNING BOARD/BOARD OF ADJUSTMENT

NOTICE TO PROPERTY OWNERS

Notice is hereby given that Joann Pellegrino
has applied to the Lebanon Borough Planning Board/Board of Adjustment for a _____

(Minor/Major Subdivision, Site Plan, Variance) approval, applicable variances, waivers,
or exceptions that may apply for the construction of an
Structure for Storage 10x16

on the property known as Block 7 Lot(s) 16 or commonly as
56 Brunswick Avenue, Lebanon, NJ. 08833
which is within 200 feet of property owned by you.

A Hearing on this application will be held at a meeting by the Lebanon Borough Planning
Board/Board of Adjustment at the Borough Hall, 6 High Street, Lebanon, NJ on _____
_____, starting at 7:00 pm.

All interested parties will be heard.

All related material is on file with the Board Secretary at Borough Hall, 6 High Street,
Lebanon and available for review during normal business hours, 8:30 am to 4:30 pm
Monday through Friday.

Joann Pellegrino
Applicant

11/13/20
Date



Planning Board/Board of Adjustment

Notice of Hearing

NOTICE is hereby given that the owner of 56 Brunswick Ave
Has applied to the Lebanon Borough Planning Board/Board of Adjustment (use Board
that is applicable) for the construction of a shed (Minor/Major
Subdivision, Site Plan, Variance) approval, applicable variances, waivers, or exceptions
that may apply for the

Accessory Structure 10 x 16 for Storage

on property known as 56 Brunswick Ave Lebanon, NJ 08833

A Hearing on this application will be held at a meeting by the Lebanon Borough
Planning Board at the Borough Hall, 6 High Street, Lebanon, NJ on _____
_____, starting at 7:00 pm.

All interested parties will be heard.

All related material is on file with the Board Secretary at the Borough Hall, 6 High
Street, Lebanon and available for review during normal business hours, 8:30 am to
4:30 pm Monday through Friday.


Applicant

Official Newspaper: Hunterdon County Democrat

Established 1926
Borough of Lebanon
Office of the Planning Board
6 High Street
Lebanon, New Jersey 08833

908-236-2425

Meetings 2nd Tuesday 908-236-2939 fax
at 7:00 PM

Alex Saharic
Planning Board Chairman

Karen Romano
Administrator/Clerk
Planning Board Clerk

Date: *11/13/20*

To: *Karen Romano*

From: *Joann Pellegrino*

Re: *Storage Project 10x16 Accessory Structure*

Block *7* Lot *16*

ENCLOSED ARE THE NECESSARY DOCUMENTS FOR:

SUBDIVISION APPLICATION

SITE PLAN APPLICATION

VARIANCE APPLICATION

_____ ✓

_____ ✓



PLANNING/ZONING BOARD OF ADJUSTMENT

REQUEST FOR LIST OF PROPERTY OWNERS TO BE SERVED
WITHIN 200 FEET

DATE: 11/13/20

Block: 7 Lot: 16 Street: BRUNSWICK AVE.
Owner: Joann Pellegrino Address: 56 Brunswick Ave Lebanon
E-mail: je.pellegrino@comcast.net Contact phone # 908-635-8522
Applicant: AS ABOVE Address: _____
E-mail: _____ Contact phone # _____

Property Owners List fee of \$10.00 payable to:
the Borough of Lebanon 6 High Street Lebanon, NJ 08833

Please email this request to:

Jeff Burd
Lebanon Borough Tax Assessor at
assessor@lebanonboro.com

And

Karen Romano
Planning/BOA Secretary
clerk@lebanonoro.com

**BOROUGH OF LEBANON
CONSENT TO ENTRY FORM**

The undersigned property owner hereby consents to the entry onto the property known as 56 Brunswick Ave, and also known as Block(s) 7, Lot(s) 16, on the Tax Map of the Borough of Lebanon by members of the Borough Planning Board/Board of Adjustment, the Borough, or any Borough employees, agents or consultants to perform any inspection(s) of the property, at reasonable times, in connection with the development application submitted herein.

This consent permits entry onto the property only by the above-mentioned Borough Representatives for the purposes of conducting a visual inspection during the pendency of the aforesaid application and before the public hearing on the application. This right of entry onto the subject property is limited only to those persons holding the designated positions listed above.

Date: 11/13/20



Owner(s) Signature



Escrow Account Information

Date 11/13/20

Name Joann Pellegrino

Mailing Address 56 Brunswick Ave, Lebanon, N.J. 08833

Phone ~~08833~~

Cell 908-635-8522

Fax _____

Name of Project Erect Accessory Structure 10x16 for Storage

Block 7 Lot 16

Address of Project AS ABOVE

Engineer's Project ID # N/A

Taxpayer ID# N/A

Initial Deposit Amount _____

Date _____

Type: Review or Inspection

Account # _____

Karen Romano

From: Joann Pellegrino <jcpellegrino@comcast.net>
Sent: Friday, October 23, 2020 12:42 PM
To: Karen Romano
Subject: Attention Karen Romano - Pictures of structure and back yard.





Jeffrey M. Burd, CTA
assessor@lebanonboro.com

Municipal Assessor
6 High Street
Lebanon, New Jersey 08833

Main: 908-236-2425
Direct: 609-638-3151

Owner: Joann Pellegrino

Property Location: Block 7; Lot 16
56 Brunswick Avenue

ADJACENT PROPERTY OWNER LIST

**** DO NOT FORGET TO INCLUDE UTILITIES****

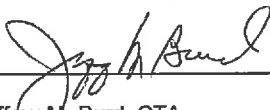
Elizabethtown Gas Company
12 West Jersey Street
Elizabeth, NJ 07201

Jersey Central Power and Light
c/o First Energy Corporation
76 South Main Street
Akron, OH 44308

PLEASE SEE ONE (1) ATTACHED SHEET FOR ADJACENT PROPERTY OWNERS.

The undersigned, being the Administrative Officer of the Borough of Lebanon, as defined in N.J.S.A. 40:55D-3, hereby certifies that the above information constitutes the names and addresses of the owners of all properties within 200 feet of the above referenced property that are located only within the municipal boundaries of Lebanon Borough.

Dated: November 19, 2020



Jeffrey M. Burd, CTA
Assessor

Adjacent property list for: Block 7 Lot 16
 Property Address: 56 Brunswick Avenue
 Owner: Joann Pellegrino
 As of November 18, 2020

Block	Lot	Qual	Location	Class	Owner	Address	City-State-Zip
					Elizabethtown Gas Company	12 West Jersey Street	Elizabeth, NJ 07201
					Jersey Central Power and Light	76 South Main Street	Akron, OH 44308
					New Jersey Dept of Transportation	P.O. Box 600	Trenton, NJ 08625
7	16		Brunswick Avenue	2	Pellegrino, Joann	56 Brunswick Avenue	Lebanon, NJ 08833
7	4.03		Chestnut Place	2	Marks, David B & Ellen C	3 Chestnut Place	Lebanon, NJ 08833
7	4.04		Chestnut Place	2	Gruber, Mark S & Coleen	5 Chestnut Place	Lebanon, NJ 08833
7	4.06		Chestnut Place	2	Wells, Lesley B & Steven A	9 Chestnut Place	Lebanon, NJ 08833
7	4.07		Chestnut Place	2	Schmidt, Robert E & Barbara L	11 Chestnut Place	Lebanon, NJ 08833
7	4.12		Chestnut Place	2	Pittinger, James J & Marybeth	12 Chestnut Place	Lebanon, NJ 08833
7	4.13		Chestnut Place	2	Hendricks, Diane & Jeffrey Rigante	10 Chestnut Place	Lebanon, NJ 08833
7	4.14		Chestnut Place	2	Arntz, Chris & Suzanne	8 Chestnut Place	Lebanon, NJ 08833
7	4.15		Chestnut Place	2	DePaola, Edward & Stephanie Barone	6 Chestnut Place	Lebanon, NJ 08833
7	15		Brunswick Avenue	4A	Huang, Chia Cheng & Liang Ju L	62 Brunswick Avenue	Lebanon, NJ 08833
7	17		Brunswick Avenue	2	Ehmann, Peter J & Eisie B	P.O. Box 17	Pottersville, NJ 07979
7	17.01		Brunswick Avenue	2	Maliqi, Fallenza	54 Brunswick Avenue	Lebanon, NJ 08833
7	18		Brunswick Avenue	2	Gelck, Ronald A & Diane	48 Brunswick Avenue	Lebanon, NJ 08833
8	16		Brunswick Avenue	2	Bodyl Nancy J & Gregory E	53 Brunswick Avenue	Lebanon, NJ 08833
8	17		Brunswick Avenue	2	Tindall, Kristin A & Joan E Palumbo	55 Brunswick Avenue	Lebanon, NJ 08833
8	18		Knox Lane	2	Bivona, Patrick & Susan P	1 Knox Lane	Lebanon, NJ 08833
8	21		Brunswick Avenue	2	Nealon, Christopher S & Melissa J	51 Brunswick Avenue	Lebanon, NJ 08833
8	23		Brunswick Avenue	2	Melewiojlu, Chihan Bahattin & Seda	57 Brunswick Avenue	Lebanon, NJ 08833
8	24		Brunswick Avenue	2	Cole, Daniel J & Elizabeth A Rounds	59 Brunswick Avenue	Lebanon, NJ 08833
8	28		Brunswick Avenue	2	Baldinger, Marlene G	61 Brunswick Avenue	Lebanon, NJ 08833



Escrow Account Information

Date 11/13/20

Name Joann Pellegrino

Mailing Address 56 Brunswick Ave, Lebanon, N.J. 08833

Phone ~~908-635-8522~~

Cell 908-635-8522

Fax _____

Name of Project Erect Accessory Structure 10x16 for Storage

Block 7 Lot 16

Address of Project AS ABOVE

Engineer's Project ID # N/A

Taxpayer ID# N/A

Initial Deposit Amount

Date

Type: Review or Inspection

Account #