

## **II. LAND USE PLAN ELEMENT**

### **INTRODUCTION**

This 2006 Master Plan continues a long established tradition of comprehensive planning. The Borough's first Master Plan was adopted in 1951. It was followed by major master plan reviews in 1978, 1988, 1994, and a reexamination in 2000. Under the Municipal Land Use Law (MLUL), the Master Plan must contain certain mandatory elements. In brief, the mandatory elements are:

- ◆ Statement of Goals, Objectives, and Principles of the Plan
- ◆ Land Use Plan Element
- ◆ Housing Plan Element (which is technically optional but a municipality may not pass a zoning ordinance until the Housing Plan Element of the Master Plan has been adopted)

The Land Use Plan Element, which is the focus of this section of the Master Plan, is vital to the entire planning process of the municipality. The Land Use Plan is the foundation and basis for the zoning ordinance and is enforceable through the zoning ordinance. The Land Use Element is also that part of the Master Plan which is intended to relate to the other various elements, tying them together and relating them to other planning efforts. These include the State Development and Redevelopment Plan (SDRP), the County Master Plan, and the master plans of adjoining municipalities.

### **RECENT LAND USE HISTORY**

As documented in the Borough's adopted 2005 Housing Element and Fair Share Plan, the Borough issued 64 certificates of occupancy to construct new single-family residences since the 1994 Master Plan. This growth averaged nearly six (6) new homes per year. It was partially offset by residential demolitions, which totaled 17 over the 10-year time span. More than half of these demolitions occurred in 2003 and 2004. This may indicate a development trend of "tear downs" where older homes are razed and replaced by larger new ones. Charolais Farms is among the new subdivisions recently approved. This subdivision of large, estate homes has recently been completed.

In the area of new commercial development, the Mendham Audi dealership has replaced the former Gunther Motors building which was destroyed in the 1990s by fire. This was the major redevelopment of land which occurred within the Historic Business Zone. Other commercial sites along Main Street have been converted to bank facilities. In the East Business Area, Mendham Ford is building a new, enlarged automotive dealership. Since the 1994 Master Plan, the Moro automotive service site has been expanded to include a new car wash. All of these changes have occurred without extension of either the East or Historic Business Areas.

## **EXISTING LAND USE**

As depicted on Exhibit #1, *Existing Land Use 2006*, most of the Borough's geography is in single-family residential use. Significant portions of the Borough's southern half remain as agricultural or agriculturally-assessed lands. Contributing to the open rural character of the southern half of the Borough is the Roxiticus Golf Club, located south of Pleasant Valley Road, and the Sisters of Christian Charity campus, located on Cherry Lane and Bernardsville Road. The remaining scattered vacant tracts are located for the most part off Bernardsville and Horseshoe Bend Roads.

## **COMMERCIAL LAND USE**

Commercial land use in the Borough is identified in three (3) different areas:

- ◆ Historic Business Area
- ◆ Limited Business Area
- ◆ East Business Area

Delineation of these areas is depicted on Exhibit #2, *Land Use Plan*.

### **Historic Business Area**

The Borough's Historic Business Area is centered on the intersection of Main Street and Hilltop Road/Mountain Avenue. The area extends generally from Orchard Street on the east to New Street on the west.

### **Limited Business Area**

The Limited Business Area is located to the north and south of the intersection of Cold Hill Road and East Main Street. It is generally bounded on the south by the properties on the north side of Tempe Wick Road, on the north by East Main Street, and on the east by Cold Hill Road. Four (4) properties to the north of East Main Street on the west side of Cold Hill Road are also included within the Limited Business Area. Most of the land in the Limited Business Area is occupied by the Jockey Hollow Professional Park.

### **East Business Area**

The East Business Area adjoins the Limited Business Area to the north and west. The major commercial land uses within the East Business Area are the Mendham Village Shopping Center, Mendham Ford, and the Moro automotive service complex.

**EXHIBIT #1 EXISTING LAND USE 2006**

## **EXHIBIT #2 LAND USE PLAN**

## **RESIDENTIAL DEVELOPMENT AREAS**

### **5-Acre, 3-Acre, 1-Acre, & ½-Acre Residential**

Single-family residential development in the Borough consists primarily of areas designated for 5-Acre, 3-Acre, 1-Acre, and ½-Acre residential neighborhoods. Five-acre residential development occupies most of the southern half of the Borough's land area at a density of one (1) dwelling unit per 5-acres or more of land. Areas planned for one (1) dwelling unit per 3-acres of land occupy the northwest corner of the Borough, a smaller area on the east side of the Borough, adjacent to Mendham Township along Lowery Lane, and the Community of St. John Baptist and deNeufville properties in the west-central portion of the Borough. Areas slated for one (1) dwelling unit per ½-acre of land surround the Village core area along with areas planned for ½-acre home sites within the Village Center area proper. The general pattern of development follows a lessening of density as one moves outward from the Borough Center.

### **¼-Acre Residential**

The ¼-Acre residential designation provides for higher density housing within the Borough's Village Center. This includes the Mendham Area Senior Housing (MASH) complex and the Mendham Commons. The ¼-acre residence areas also include two-family dwellings on lots of not less than ½-acre in size. Multi-family and senior housing complexes are also allowed, subject to various additional use standards. These include lot sizes of 4-acres or more and other dimensional and setback requirements. Areas which have developed in this manner include portions of Mountain Avenue, East Main Street, and Hilltop Road, extending north, east, and south of the Historic Business District respectively.

## **VILLAGE CENTER CLUSTER OPTION**

A special land use category which evolved from the 1994 Master Plan is the Village Center Cluster option. This option is intended to encourage flexibility, economy, and environmental protection in layout and design, to implement cluster development planning within the Borough, to reflect its historic patterns, and to permit a variety of housing types and lot sizes.

A Village Center Cluster is a specified development node within the Village Center boundary of the Master Plan. It seeks to enhance the purposes and goals of the New Jersey State Development and Redevelopment Plan (SDRP). It is an option which may be implemented only on particular tracts as specified in the Master Plan. Housing types which are contemplated as part of a Village Center Cluster are attached and detached single-family homes, multi-family dwellings, townhouses, and duplexes. Buildings may not contain more than six (6) dwelling units. A minimum tract size of 10 acres is required to implement the option.

At the time of the 1994 Master Plan three (3) tracts of land were identified in the Land Use Plan Element for the Village Center Cluster option. These tracts were the deNeufville property, the Cosma tract (Cosma Place), and the Hilltop School. Two of these, deNeufville and Cosma, remain vacant.

### **deNeufville Property**

Possibly the best known existing vacant land tract in the Borough is the deNeufville property. Since the 1994 Master Plan, it has been designated as a "Village Center Cluster" in the Master Plan as an overlay option to its underlying 3-Acre zoning. The property (Block 1801, Lot 16) is somewhat irregular in shape and contains 91.5 acres. It is bisected by a brook and has a pond approximately 275 feet in diameter in its northeast quadrant. To the west, the property adjoins the St. John Baptist property. To the north and east there are residences along Linden Lane, Main Street (including the Historic Thompson house), and the soccer field known as West Field. To the east, there are residential developments along Townsend Road, Muirfield Lane, and Heather Hill Way, where the Borough owns approximately five (5) acres of parkland.

The site is primarily wooded and contains three (3) cultivated fields which are accessed from the southerly end of Linden Lane. A main watercourse, fed by two (2) smaller streams, traverses the property from north to south. The stream drains to a pond, and ultimately to McVickers Brook to the south. Wetland areas parallel the stream corridor. Some limited areas of steep slopes with erosion hazards lay along the easterly portion of the tract with significant slopes along the west bank of the stream. Environmental conditions on the site and its surroundings are mapped and documented in the Conservation Plan and Environmental Resources Inventory.

Soils on this property are predominantly the Edneyville type (EdC & EdD), with some Cokesbury (CsB) soils in the wet areas. Soil permeability and available water capacity are moderate. The soils also contain enough clay to give good compaction characteristics for development. Some of the more steeply sloped portions of the EdC and EdD soils impose limitations for community development. These areas are not extensive on the property. With good land planning and development design, they can become an asset in site development. Most of the site is located within the EdC soils where slopes are moderate, ranging from 8% to 15%. Some pockets of higher slopes in the EdD category range from 15% to 25%. The CsB soils on site are confined to the stream corridor generally. These soils have a stony surface with boulders in certain places. These soils also have poor drainage, slope permeability, and low position on the landscape. These factors, coupled with their periods of wetness and saturation, limit their use for community development. It is expected that most of the CsB soils on the site would be in delineated wetland areas or transition buffers and, therefore, not subject to development.

For the past several years, the Borough has been in dialogue with the property owner, considering use of a portion of the property for a new Library of the Mendhams. To date, the issues surrounding the library use have not been resolved. Various plans have been discussed between the Borough and the owners of the deNeufville and Thomas properties. The Thomas property contains 111 acres and adjoins the deNeufville tract. Over the years, discussions for development of the deNeufville property according to the Village Center Cluster concept have also been held. However, to date, no formal proposals have been received for consideration by the Planning Board.

Consistent with its Vision statement, this Master Plan views the planning process for the deNeufville tract as an opportunity to help realize the Borough's vision as a multi-generational community. A broad range of housing options which enable its residents to raise their families and to remain in the community once their children have grown is a priority of the Master Plan.

### **Cosma Tract**

Another vacant parcel which received extensive consideration during the 1994 Master Plan is the Cosma tract, then known as the Fulton tract. This property is owned by the Board of Education and is now under a 99-year lease to the Borough. It consists of 13.3 acres and lies east of North Linden Lane. It is accessed via a 50 foot right-of-way known as Cosma Drive and by North Linden Lane. The site is surrounded by existing residences on West Main Street, North Linden Lane, and Lake Drive. To the north, there is a 6.8 acre parcel of Borough parkland. Land use adjoining the Borough parkland is also residential.

A stream which originates in springs between Village Circle and West Main Street drains portions of West Main Street and nearby areas. This small stream is piped under Country Lane and enters Cosma Lake just northeast of the site. The Borough parkland and the site form an almost complete pedestrian link between Patriot's Path to the north and the Borough's soccer field to the south across West Main Street. The property, therefore, is a significant and linked open space feature in the Borough. It is recommended to remain as passive or active recreation for the foreseeable future.

Three (3) soil types exist on this property. Edneyville soils (EdB) occupy the southernmost portion of the tract. These pose only slight limitations to open space use for picnic and play areas. The restrictions are more severe for large athletic fields due to the excessive gravel in the soils. At the site's north edge there are Turbotville soils (TuB). These soils pose severe to moderate development constraints, primarily a very high seasonal water table. The TuB soils are located near the stream that flows from Cosma Lake. Most of the tract, its central portion, lies within the Bartley (BaB) soils type. These soils have severe restrictions for development with septic tanks and absorption fields and for local roads and streets. The limitations for picnic and play areas are slight.

One possible open space use which has been considered by the Master Plan Committee for this property would be some type of educational use related to nature or environmental studies in the school system. This concept should be explored further by the Borough and the Board of Education since both entities have an interest in the property.

The Cosma tract's natural characteristics and location lend themselves to continued use for a local park and open space. Use for residential cluster development is not considered appropriate at this juncture. It is recommended that the Planning Board actively monitor the land use status of this property and reconsider it at the time of the next reexamination.

### **Hilltop School**

Since adoption of the 1994 Master Plan, circumstances have changed with respect to the Hilltop School property. Sale of the Hilltop School as surplus property is no longer being considered by the Mendham Board of Education. The school is actively used for elementary education of grades K- 4. The school, which also contains the office of the Superintendent of Mendham Borough Schools, was expanded and totally renovated in 2001 - 2002. Despite this renovation work, it is anticipated that the school will continue to be challenged by its physical limitations over the next 10 years due to its site constraints, traffic, and parking demands. Therefore, although this Land Use Plan Element does not continue to recommend the school site for a Village Center Cluster, the Planning Board should actively monitor all land use issues with respect to the site. In six (6) years, during the next Master Plan Reexamination, the issues should be revisited.

## **MAIN STREET CORRIDOR**

The Main Street Corridor is a new Master Plan designation targeted to the eastern end of East Main Street between Cold Hill Road and the existing Historic District. It encompasses the properties on the north and south sides of Main Street and extends southward to incorporate the triangle of land formed by East Main Street, Cold Hill Road, and Tempe Wick Road. Also included are three (3) residential properties on the south side of Tempe Wick Road between Dayton Road and East Main Street. The Main Street Corridor area is depicted in Chapter VII on Exhibit #6, *Proposed Historic Expansion Including Historic Buildings*.

Several purposes are sought to be achieved by the corridor designation:

- ◆ To acknowledge the importance of gateways to the Borough, one of which is at Cold Hill Road and East Main Street
- ◆ To provide an appropriate land use transition between Cold Hill Road on the east and the Historic Business Zone to the west
- ◆ To form the basis for village streetscape design features which would support and coordinate with the Historic Business Zone standards; the design standards contemplated would cover such items as pavement types, street lights, landscaping materials, street trees, and street furniture (i.e. benches, signage and sign lighting, planters, etc.)

This Land Use Plan Element recommends that the Planning Board perform further ordinance studies following adoption of the Master Plan to determine how best to incorporate these design features within the Borough's current ordinances. Some of the standards and guidelines in the Main Street Corridor would be advisory and seek voluntary compliance, for example, by individual homeowners seeking only a construction permit. Other standards could be administered through site plan review and approval. Examples are site design items related to non-residential and commercial properties along the Corridor frontage.

It is thought that the approach could be similar to that followed when the Borough prepared and adopted its development standards for non-historic buildings following the 1994 Master Plan adoption.

## **HISTORIC DISTRICT OVERLAY ZONE**

Another significant land use change proposed in the Historic Preservation Element of this Master Plan is the expansion of the Historic District Overlay Zone. The District expansion, as shown in Chapter VII on Exhibit #6, *Proposed Historic Expansion Including Historic Buildings*, has been recommended by the Historic Preservation Commission in two (2) locations. The first area is along Main Street extending to the western boundary of the Borough. The expansion is proposed to incorporate the north and south sides of West Main Street, including the full depth of the Community of Saint John Baptist property. This property has received recognition as both a state and national landmark. A second expansion of the District is proposed to extend north along Orchard Street between Adams Place and the existing historic properties along East Main Street.

Incorporation of these additional properties within the Historic District, as envisioned by the Historic Preservation Element, would bring them under the review provisions of the existing Historic District Overlay Zone which was established by the Borough in 2001.

## **OVERALL COMMUNITY APPEARANCE/CIVIC DESIGN**

Consistent with the Master Plan's Vision, the Land Use Plan continues to identify the Borough as a Village Center within an environmentally sensitive area. No changes are proposed in the Village Center boundary, which separates the more intensively developed area of the Borough from its rural environs and more expansive open areas. The Planning Board finds that proper zoning regulations and intelligent design guidelines are vital to preserve and reinforce the key features of Mendham Borough, both within the Village Center and in its outlying areas. The Board intends to continue its long-standing policy of recommending ordinance changes to achieve these ends whenever appropriate.

The Planning Board is acutely aware of the external and internal pressures which can adversely impact the Borough's village fabric, community appearance, and rural setting. Historically, many villages, like Mendham Borough, have tended to grow and develop along main roads. Heavy commuter and commercial traffic volumes along the main road corridors disturb peace and quiet, make it inhospitable or dangerous for pedestrians, and pose a planning problem of large magnitude. Such traffic now threatens the village ambiance of Mendham Borough by adding pressures for commercialization of existing residences along major routes with attendant signage, lighting, and parking.

## **REGIONAL FACILITIES & IMPACTS**

In establishing the planning criteria for the 1994 Master Plan, the Planning Board found that certain types of uses such as shopping centers, large office buildings, warehouses, distribution facilities, campus-type R & D, and industrial complexes, by definition, were outside the concept of Village Center Clusters. It also found that large, region-serving public and quasi-public facilities (e.g. hospitals, large institutional and educational facilities) are also inappropriate to the concept and not in keeping with village-scale architecture and atmosphere. The Board wishes to restate and re-affirm these findings as part of the 2006 Master Plan.

The infrastructure capacity limits and constraints described herein have demonstrated the validity of these findings made over a decade ago. There are now additional uses which the Board deems inappropriate for a Village Center in an environmentally sensitive area, including large, commercial uses, commonly referred to as “big-box” uses. These include major retailing chains, large storage facilities, convenience stores, “fast-food” chains, and other similar commercial entities. These uses are clearly inappropriate to the village character, streetscape, and historic village architectural design.

## **OTHER PLANNING ISSUES**

### **In-Home Offices & Businesses**

In the preparation of the 2006 Master Plan, the Master Plan Committee devoted a full agenda to the current land use issue of single-family residences used for accessory non-residential uses such as home offices and occupations. As part of the review, the Committee considered many aspects of the issue with the Board of Adjustment Attorney and the Borough Planner for background information.

Generally, non-residential uses in the home consist of the following types:

- ◆ In-home offices used exclusively as an adjunct to the residence (i.e. space devoted to computer use, home records, and like activities)
- ◆ In-home offices used for income producing activities including sales, consultation, accounting, or other general business or professional services
- ◆ Other in-home occupations, trades, or endeavors conducted for profit or income producing activities
- ◆ Home recreational, hobby, or lifestyle uses which may be either in the principal structure or proposed to occur in separate on-site buildings or structures such as enclosed recreational uses, rinks, gyms, or large studios

Some of the key questions which an updated ordinance regarding such accessory uses must consider are the following:

- ◆ Which accessory uses are appropriate within the principal structure or in separate buildings?
- ◆ How are large "accessory" buildings to be distinguished from other non-residential uses which may be clearly inappropriate to a residential setting?
- ◆ How can an ordinance regulating such structures and uses best speak to the fact that an accessory use in a residential setting should be clearly customary and incidental to single-family use?
- ◆ Are there accessory uses which would be appropriate within the principal residential structure but not appropriate in a separate accessory structure on the same lot?

The present ordinance definition of home-occupation gives only limited response to these questions. It appears that added layers of clarification within sections 215-1 and 215-13.D. of the ordinance should be provided. Presently, a home-occupation is defined as:

*An individual craft or skill, such as dressmaking, millinery, cooking, pottery or a teacher giving lessons to one pupil at a time conducted entirely within a dwelling and carried on by the occupants thereof, which use is clearly incidental and secondary to the use of the dwelling for residential purposes.*

Obviously, this definition lags well behind the changes in home-offices and occupations brought by modern computer, electronic and digital technologies, lifestyle changes, telecommuting, and other phenomena of the late 20<sup>th</sup> and early 21<sup>st</sup> centuries. It is, therefore, recommended that the Planning Board, in conjunction with the Mayor and Borough Council, develop new ordinance definitions and standards to better address these issues.

It is further recommended that an ordinance defining these uses as conditional uses with appropriate standards be considered and prepared by the Planning Board for referral to the Mayor and Council for its review and adoption. A key aspect of the ordinance will be to identify and regulate the neighborhood impacts associated with such uses to ensure that they do not adversely impact the stability and quiet enjoyment of residential neighborhoods by the Borough's residents. Specific areas of impact that must be addressed include:

- ◆ The locations where uses are permitted either in the residence or on-site
- ◆ Location with respect to the Borough's traffic circulation plan
- ◆ Adequacy of off-street parking for the intended use

- ◆ Number of visitors/trips per day to the use, including deliveries of materials and supplies
- ◆ Non-resident staff
- ◆ Signage
- ◆ Outdoor lighting
- ◆ Sunset provision for the conditional use including the requirement for a continuing use certificate of occupancy with a change in ownership
- ◆ An exception for accessory home offices where there is no client or customer activity or other perceptible neighborhood impacts such as traffic, parking, noise, or exterior signage
- ◆ Limitation on the amount of space in a residence which may be devoted to an in-home office or occupation.

#### **On-Site Septic Systems in Sewer Service Areas**

As described elsewhere in this Master Plan, the lack of additional central sewer capacity poses problems for existing homes and businesses and forestalls opportunities for new, desirable development.

If new homes must use on-site septic disposal systems, the lots must be of adequate size and contain suitable soils for percolation. The Utility Plan observes that on-site septic disposal issues may arise for new residential uses, either subdivisions or existing lot developments, due to New Jersey Department of Environmental Protection (NJDEP) capacity limits and/or Borough restrictions on sewer connections. Therefore, the Borough will need to revisit and reexamine the on-site septic disposal and sewer connection ordinances.

#### **Teardowns In Established Residential Neighborhoods**

A current planning and land use issue facing not only Mendham Borough but many other suburban municipalities in northern New Jersey is the so-called "teardown" phenomenon. As part of this trend, older homes, usually smaller in scale than homes now being built, are demolished and replaced by larger residences. Often, such new residences meet the strict requirements of the zoning ordinances of their respective districts but are out of character with the surrounding homes and neighborhoods. For example, a 1950s Cape Cod or ranch home is replaced by a two-story colonial with a 3-car garage. The Cape Cod or ranch may have contained 1700 to 2500 square feet with a building height of perhaps 20 or 28 feet. The new colonial might be as large as 4000 or more square feet and reach a height of 35 to 40 feet. There has been growing concern by both the public and municipal governing bodies to these changes.

To initiate a response to this phenomenon, the Borough Council, with the assistance and advice of the Planning Board, adopted supplementary zoning regulations in 2002. These standards apply within the ¼-, ½-, 1-, 3-, and 5-Acre Residence Zones. They regulate building height relative to building setback, the placement of accessory structures and buildings, and both impervious coverage and building footprint. Permitted lot coverage is a variable standard which is related to the range of lot size permitted in the Borough's schedule of zoning requirements.

The Planning Board continues to monitor the neighborhood teardown/rebuild issue. It will advise the Mayor and Council as needed on any recommended modifications to the 2002 standards.

### **Multi-Generational Family Housing**

Mendham Borough, as stated in this Master Plan, views itself as a multi-generational community oriented to the various family and household life-cycles. In its approach to this planning issue it has identified the Village Center Cluster option on the deNeufville tract as one possible mode of promoting this goal.

The Master Plan also suggests other means of advancing this concept through accessory in-house accommodations for family members and needed domestic help. These living spaces must be connected to the main residence, use existing entrances, and be deed-restricted against open-market rental for other tenants. Such uses must also be clearly subordinate, accessory, and incidental to the primary single-family residential use and character of the property.

## **CONSTRAINTS ON DEVELOPMENT**

The Borough of Mendham faces three (3) formidable constraints on its ability to allow reasonable growth, development, and redevelopment in keeping with its Vision and Master Plan goals and objectives. These constraints may be summarized as follows:

- ◆ Sewer and water system capacity limitations - as described in the Public Utilities Plan
- ◆ Environmentally sensitive areas - as described in the Conservation Plan and Environmental Resources Inventory
- ◆ Insufficient amount of customer parking in the Historic Business District

Adequate customer parking is an essential element with respect to the Historic Business Area's ability to maintain its economic vitality and customer attractiveness. The handling of parking in the Village context is as thorny a problem as that of commuter and peak-hour traffic. The domination of the village streetscape by front yard parking is an unacceptable and destructive way of dealing with the issue. Most village commercial ordinances do not permit front yard parking. Many others require screening of parking in side and rear yards as well, particularly where residential neighborhoods are close by.

The customer parking issue in the Borough has several aspects. There must be good pedestrian flow between the parking area and the use it is intended to serve. The core of the Borough's Historic Business Area is centered on the intersection of Main Street and Hilltop Road/Mountain Avenue. Viewing this quadrant, the issues can be described as follows:

- ◆ In the northwest quadrant, only the Black Horse Inn provides a significant amount of off-street parking for its own customers. The Planning Board is aware that an in-depth study of the northwest quadrant is needed to address lack of parking.
- ◆ In the southeast quadrant, the loss of parking spaces which were withdrawn from public use by St. Mark's Church has increased pressure on the remaining spaces which serve the existing commercial uses on Main Street and Hilltop Road.
- ◆ In the southwest quadrant, an extension of the Bowers Building parking area and the construction of a walkway between the Bowers building and the St. Joseph's Church parking lot is under consideration.
- ◆ In the northeast quadrant, a similar extension of parking facilities would also be appropriate.

The following neo-traditional town planning principles, seeking to promote the success of a commercial village environment, have application to Mendham Borough:

- ◆ The development of shared community parking lots
- ◆ Use of shared driveway entrances and rear yard driveways between parking lots to simplify traffic circulation - the ultimate goal is to establish an interconnected circulation system of parking and driveways to the rear of the buildings, by-passing the street frontage
- ◆ The construction of sidewalks and walkways, as a key public improvement, approved by the Mayor and Council once an overall parking plan is established
- ◆ The installation of low hedges and fences to give visual definition to the street edge and increase the privacy and attractiveness of the individual uses

## **BUILD-OUT ANALYSIS**

As part of this Master Plan, a build-out analysis has been performed evaluating all undeveloped and oversized residential parcels in the Borough. A lot-by-lot analysis of the Borough's tax maps by zoning district was made. Other map resources were referred to in order to increase the accuracy of the analysis. These sources include recent aerial photography, the 1993 and 2006 Existing Land Use Maps of the Borough, and the 2006 Sewer Service Area Map.

The basic assumptions and criteria used in the build-out analysis are as follows:

- ◆ Existing undeveloped lots which are conforming are counted
- ◆ Lots to be created must comply with current zoning, including road frontage
- ◆ No variances are assumed to be granted for lots to be subdivided
- ◆ No joint ventures between neighbors are assumed to occur
- ◆ No rezonings are assumed to occur
- ◆ No churches, religious (e.g. Sisters of Christian Charity property), public, or commercial properties are considered as potentially developable. Only residentially zoned sites were counted.
- ◆ A minimum lot area of 1-acre with public water to build an infill unit within the sewer service district on septic was assumed based upon the advice of the Borough Engineer.
- ◆ A minimum number of 16 units under present NJDEP regulations for ground discharge was counted for the deNeufville tract.

The results of the build-out analysis are as follows:

<b>TOTAL WITHIN THE SEWER SERVICE AREA</b>	<b>36</b>
◆ Conforming lots buildable with septic @ a min. of 1-acre	24
◆ Conforming lots not buildable with a septic @ a min. of 1-acre	12
<b>TOTAL OUTSIDE OF THE SEWER SERVICE AREA CONFORMING &amp; BUILDABLE</b>	<b>75*</b>
<b>TOTAL POTENTIAL NEW UNITS</b>	<b>111</b>
*Includes Village Center Cluster for deNeufville properly. Conventional subdivisions would yield 57 homes for a total of 93 new units.	

At the recent pace of construction (2000-2004) of an average of five (5) homes per year, exclusive of demolitions, complete build-out under current zoning would occur in 2021. A return to the faster development pace experienced by the Borough in the late 1990s (1995-1999), almost eight (8) homes per year, would accelerate full build-out to 2014.

## **REGIONAL CONTEXT OF BOROUGH MASTER PLAN**

Pursuant to NJSA 40:55D-28d., the Borough's Master Plan must include policy statements regarding the Plan's relationship to the other relevant planning entities which have responsibilities within the Borough's sphere of interest. This section documents those relationships.

### **Highlands Region**

The Borough became part of the New Jersey's Highlands Region in August of 2004. It was determined by the Highlands Water Protection and Planning Act that it was within the "Planning Area". As a result of this designation, the Borough's compliance with the still to be released Highland Regional Master Plan is voluntary. Therefore, it is the stated intent and policy of the Mendham Borough Planning Board that the municipal development codes for land use planning and zoning continue to be administrated by the Borough as they have been to the present day. However, according to the New Jersey Highlands Council, the Highlands Water Protection and Planning Act provides incentives for conformance to the Highlands Regional Master Plan. These are noted by the Highlands Council as a legal shield, a strong presumption of validity to master plans and land use provisions in court challenges, legal representation, Highland Council Planning grants, Smart Growth aid and technical assistance, tax stabilization funding, enforcement of the Regional Master Plan, and the ability to enact stricter land use provisions and State Plan endorsement. The Highlands Council, in April 2006, announced a delay of at least six (6) months in issuing the Highlands Regional Master Plan. The Mendham Borough Planning Board intends to review and consider the Highlands Plan and its regulations at the time they are issued.

### **State Development and Redevelopment Plan**

In 1995 the Borough was formally designated as a "Village Center" within a Planning Area 5, Environmentally Sensitive Area in the New Jersey State Development and Redevelopment Plan (SDRP). This designation was confirmed by the readopted SDRP on March 1, 2001. It is the expressed intent of the Mendham Borough Planning Board that this designation of the Borough be continued under the 2006 Master Plan. The Board intends to take any necessary steps requested by the State Planning Commission to continue this designation.

### **Morris County Master Plan**

In 1975 the Morris County Planning Board adopted its Future Land Use Element. At that time, the County projected Mendham Borough as a 1990 population center of 10,000 people. Even though this Future Land Use Element is still the document of record for the County Master Plan, it is obvious that a center of 10,000 people is not now realizable for the Borough.

The more recent County Planning Board population and demographic studies forecast population growth stability for the Borough at or very close to its current population of 5097, one-half the estimate of 30 years ago. These downward revisions are closely consistent with the projected build-out analysis of this Master Plan for the Borough.

In preparing the Circulation Plan, the Borough's traffic engineering consultant has consulted with the Morris County Engineering Department regarding the consistency of proposed conceptual traffic improvements as related to the County's Master Plan and design criteria.

The County Planning Board has advised the Borough's Planner that the existing County Master Plan is currently being examined. Summaries of each element are being prepared as part of this review but are not available currently. The Mendham Borough Planning Board will review these updated documents and consider them in its on-going planning process after they have been issued by the County.

#### **Consistency With Mendham Township Master Plan**

Mendham Borough is bordered on three (3) sides by the Township of Mendham. The Mendham Township Master Plan finds that the existing land use pattern along the joint border is substantially consistent on both sides of the border. This Borough Master Plan review concurs with that finding. The pattern of established neighborhoods is essentially residential. One exception to the prevailing residential land use pattern along the borders is the Borough's Limited Business Zone and East Business Zone at the intersection of Main Street and Cold Hill Road. This business area offers retail, banking, business, and professional services to the Borough and is considered by the Township as resource for such services. Therefore, this departure from the predominant residential pattern is an established and appropriate land use configuration which thus far benefits both municipalities.

#### **Consistency With Bernardsville Borough Master Plan**

The Borough's entire southern border lies along the Borough of Bernardsville. These contiguous areas of both municipalities are zoned minimum 5-acre residential for single-family home sites. Therefore, the land uses are directly compatible and consistent. The Land Use Plans of both municipalities project that this consistency will continue in the future.

### **DISTRICT SOLID WASTE MANAGEMENT PLAN**

The Borough of Mendham adopted the Solid Waste Ordinance originally on March 2, 1987. Since this original adoption, the Borough's mandatory solid waste recycling ordinance has been updated in its entirety twice, most recently by ordinance #15-94 on October 3, 1994.

Solid waste disposal and recycling in the Borough is provided by an independent contractor as regulated by Chapter 183 Solid Waste of the Mendham Code. Residential recycling must be source-separated by the homeowner for curbside pickup twice a month. Yard waste is to be separated from other solid waste and can be recycled by composting on the property or by depositing it at the Public Works garage in accordance with the posted instructions. Used tires are similarly disposed at the Public Works garage. White goods (i.e. washers and dryers, refrigerators, etc.) are to be placed curbside in compliance with the requirements of the hauling contractor. Oil contaminated soil and stumps must be deposited at specific Class B recycling facilities. Used motor oil, vehicular batteries, and household dry cell batteries also must be recycled under specific statutory requirements. Under the ordinance, the Borough Recycling Coordinator may from time to time modify the Borough's recycling procedures.

Residential developments, multi-family and single-family, are responsible for establishing recycling programs within the guidelines of the ordinance. Institutions and commercial establishments must source-separate all designated materials. Building management and the generator of the recyclables are equally responsible for the establishment of recycling programs to collect, transport, and market the materials. These establishments must document and report the tonnages and material recycled.

The recycling of construction and demolition debris and other non-traditional recyclables is regulated by a separate section of the ordinance. These materials include brick, cement, asphalt roofing, window glass, wood, tree stumps, and other construction related items. Proper recycling is mandatory and is a condition precedent to the issuance of any permanent certificate of occupancy. As with commercial and industrial waste, written documentation and reporting of the recycled tonnage is required.

The ordinance is comprehensive and compliant with the Morris County Solid Waste Plan and the applicable State statutory requirements. The Planning Board in its regular review of site plans for commercial and other non-residential uses considers and requires appropriate on-site facilities for the storage and collection of recyclables.