

Mendham Borough
LAND USE PLAN ELEMENT
AMENDMENT TO
2006 MASTER PLAN

Borough of Mendham
Morris County, New Jersey

Adopted September 14, 2015

Prepared by the
Mendham Borough Planning Board
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The original of this document has been signed and sealed pursuant to N.J.A.C. 13:41-1.3

**Mendham Borough
Planning Board 2015**

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I. INTRODUCTION

This Amendment to the Borough of Mendham's Land Use Plan Element of the 2006 Master Plan recommends a new zone district be established to accommodate a new land use category to be known as a Religious Campus. The new zone will encompass 112 acres within the existing R-5 Residential district, specifically Lot 13 in Block 2301. The new zone will continue to permit single family residential use in accordance with the R-5 zone standards and will also permit the new Religious Campus use on a tract of land not less than eighty (80) contiguous acres.

II. PURPOSE OF NEW ZONE

The Religious Campus category recognizes the long-established use of Lot 13 (formerly lots 13 and 13.01) as the location for the religious order, the Sisters of Christian Charity who have continuously occupied the site since 1927 as both a home and place to educate novices to the Order and to conduct retreats for the public. Incorporating this new use within the Borough's Land Use Plan and land development regulations will permit the large historic estate to remain intact and will enable improvements to provide for the needs of the religious community including modern housing with appropriate ancillary accommodations such as a chapel, activity rooms, library, central kitchen and common dining room, and health/wellness facilities. The recognition of a permitted use will help to preserve the environs for the benefit of all those in the southern portion of the Borough and enhance the Borough overall, while mitigating the potential scope of septic disposal, water consumption, and environmental impacts on the affected area.

III. DESCRIPTION OF AREA

Lot 13 comprises 112 acres with substantial frontage along Hilltop Road to the west and Bernardsville Road to the south (Exhibit I, page 10). Adjacent parcels to the north and east consist of low density residential properties in accordance with the R-5 zone district. The property under consideration is developed with two primary buildings and several cottages and storage structures. One of the main buildings is known as Villa Pauline, a two and one-half story building dating from 1890 that originally was the residence of the Cromwell estate,

as the land in question was once identified. Villa Pauline became the residence for the sisters when the Order purchased the property in 1927 and later became the retreat house.

The other main building is known as Mallinckrodt Convent, commonly referred to as the Motherhouse, a six story building which provides living quarters, dining facilities and ancillary administrative offices for the sisters. This building until recently was also the home of Assumption College, the training facility for novices to the Order. Living quarters for staff members and their families are provided in several cottages and an apartment within one of the accessory buildings on site. A small private cemetery is located in the northeasterly section of the tract reserved exclusively for the Sisters of Christian Charity.

IV. CONSISTENCY WITH MENDHAM BOROUGH MASTER PLAN

The new zone is consistent with the intent and purpose of the Borough's 2006 Master Plan wherein the site in question is designated as "Quasi-Public" on the map entitled "Existing Land Use 2006". This designation is reinforced by the fact that the build-out analysis conducted as part of the planning process for the 2006 Master Plan specifically excluded the Sisters of Christian Charity property despite being situate in a residential zone. This is a clear indication that the Borough both acknowledged the established character of the property and had no expectation it would change. The 2006 Master Plan offered the following observation on this point:

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.¹

Attesting to the importance of this long-established estate property to the Borough's rural character, the 2006 Master Plan noted the following:

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

¹ Borough of Mendham Master Plan 2006, II. Land Use Plan Element, Build-Out Analysis, page II-15

Borough is the Roxiticus Golf Club, located south of Pleasant Valley Road, and the Sisters of Christian Charity campus, located on Cherry Lane [*sic*]* and Bernardsville Road. The remaining scattered vacant tracts are located for the most part off Bernardsville and Horseshoe Bend Roads.²

* [The Sisters of Christian Charity campus has frontage upon Hilltop Road and Bernardsville Road.]

The new R-5/Religious Campus Zone District will further a number of the Goals and Objectives of the 2006 Master Plan by keeping intact this bucolic setting. In particular, the new zone will further the following goals:

- To preserve the rural quality of the Borough and its historic heritage beyond the Village environs
- To protect and preserve the Borough's open space and natural resources of soils, vegetation, air, and water through the wide use of planning techniques and careful control of land development
- To recognize and encourage preservation and designation of those historic properties and building that contribute to the unique atmosphere that is Mendham, particularly those in the Historic District and which are on the State and National registers of Historic Places
- To maintain the quality and historic character of existing buildings, including all structures which contribute to the Borough's history³

V. CONSISTENCY WITH MUNICIPAL LAND USE LAW

The new R-5/Religious Campus zone district is consistent with a number of the purposes of the Municipal Land Use Law set forth in N.J.S.A. 40:55D-2.

² Borough of Mendham Master Plan 2006, II. Land Use Plan Element, Existing Land Use, page II-2

³ Borough of Mendham Master Plan 2006, I. The Vision For Mendham Borough, Goals and Objectives, page I-3; 4

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N.J.S.A. 40:55D-2a

To encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare

N.J.S.A. 40:55D-2g

To provide sufficient space in appropriate locations for a variety of agricultural, residential, recreational, commercial and industrial uses and open space, both public and private, according to their respective environmental requirements in order to meet the needs of all New Jersey citizens

The creation of a permitted status for a Religious Campus serves to include a use that has existed for more than 80 years in this location and has been recognized by the Borough's Master Plan as one of the unique assets within Mendham and, as such, it is particularly suited to its location.

N.J.S.A. 40:55D-2c

To provide adequate light, air and open space

The existing campus layout and anticipated improvements with a new living quarters building adjacent to the Villa Pauline building will ensure the preservation of the open space which encompasses the campus buildings.

N.J.S.A. 40:55D-2d

To ensure that the development of individual municipalities does not conflict with the development and general welfare of neighboring municipalities, the county and the State as a whole

The 2006 Master Plan expressed no concern regarding the existing campus in its consistency analysis with the master plans and zoning of Bernardsville Borough and Mendham Township, nor were there any concerns regarding the Sisters of Christian Charity facilities with regard to the Morris County Master Plan or the New Jersey State Development and

Redevelopment Plan. Mendham Borough is part of the Highlands Region, more specifically within the Highlands Planning Area and, as such, compliance with the Highlands Regional Master Plan (RMP) is entirely voluntary. Although the Borough has elected not to “opt in” and is thus not subject to the RMP, the proposed zone is entirely consistent with a couple of key “fundamental principals” set forth in the RMP. These are:

- Protect and preserve the resources of the natural and built environment, especially land and water resources
- Ensure that all new growth and development is sustainable over the long term based on water, energy, and other critical resources, is organic to its environment, harmonious with historical settlement patterns, and is compatible with the history and character of the regional communities of place.⁴

N.J.S.A. 40:55D-2e

To promote the establishment of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment

Appropriate density standards will ensure that the resident population of the Religious Campus will be proportionate to a recommended minimum tract size of eighty acres and will also be controlled through the requirement for Borough concurrence with any modifications to the applicable wastewater service area and to any changes to NJDEP permitting process with respect to wastewater treatment. Any new development for the Religious Campus will be governed by the standards to be established, including limits on building and overall impervious coverage, as well as all regulations concerning protection of freshwater wetlands, streams, and related environmental features.

N.J.S.A. 40:55D-2i

To promote a desirable visual environment through creative development techniques and good civic design and arrangement

⁴ Highlands Regional Master Plan 2008, Chapter 2, page 36.

Development standards will be part of the new zone district to ensure the preservation of existing scenic vistas by keeping the focus of new development in proximity to existing campus facilities.

N.J.S.A. 40:55D-2j

To promote the conservation of historic sites and districts, open space, energy resources and valuable natural resources in the State and to prevent urban sprawl and degradation of the environment through improper use of land

The existing campus represents an important part of the Borough's history. Recognizing its existence and providing for limited expansion with clearly defined parameters reflects prudent planning.

VI. PERTINENT ORDINANCE CONSIDERATIONS

In addition to the existing standards for the 5 Acre Residence zone pursuant to Chapter 215, *Zoning*, of the Borough Code, the proposed zone would include as a permitted principal use a Religious Campus defined essentially as follows:

RELIGIOUS CAMPUS - A contiguous area of land constituting a minimum tract area of eighty (80) acres under the ownership or control of a single entity containing living quarters of a religious order or congregation and associated administrative and spiritual facilities.

The new zone should also provide for various accessory functions directly related to the needs of the religious order and for the care and operation of the campus. These could include common kitchen and dining facilities, chapels, a separate retreat house (Villa Pauline), a cemetery exclusively for the Sisters of Christian Charity, and residential units for lay staff and caretakers. The density for the campus use, including members of the religious order and staff should be on the order of 1.8 to 2 persons per acre. Appropriate controls should ensure any new principal or accessory buildings and structures will be consistent with the rural character of the area.

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