

**OPEN SPACE, RECREATION & HISTORIC PRESERVATION PLAN**

**MENDHAM BOROUGH OPEN SPACE ADVISORY COMMITTEE**

*Adopted by the*

**MAYOR AND BOROUGH COUNCIL**

*May 20, 2002*

Revisions made 10-30-02 per Planner's Comments

*On cover: The Mendham Sheep Farm, recently entered the Eight-Year Volunteer Farmland Preservation Program.*

## Open Space Committee

	1999	2000	2001/2002
Michael Ackerman	x	x	x
John Andrus	x	x	x
Kenneth Betz	x	x	x
Diana Callahan	x	x	x
Robert Collins	x	x	x
Jennifer Gemberling	x	x	
Diane Lebe	x		
Henry Rowe		x	x
Carolyn Menagh	x	x	x
Charles Topping	x	x	x

## TABLE OF COMMENTS

EXECUTIVE SUMMARY	Page 1
BACKGROUND/HISTORY	Page 2
GOALS, POLICIES & VISION	Page 6
INVENTORY	Page 8
NEEDS ANALYSIS	Page 11
RESOURCE ASSESSMENT	Page 15
ACTION PLAN	Page 16
SYSTEM MAP	Page 20
PUBLIC PARTICIPATION	Page 20
APPENDICES:	
Appendix A: Recreation & Open Space Inventory Map	
Appendix B: Open Space Criteria and Ratings	
Oversize & Large Lot Size Criteria	
Property Evaluation Score Sheet (blank)	
Property Classification Tiers	
Appendix B-2: Public Hearing Notices, Minutes & Planning Board Memo	

## Confidential

Appendix C: Tier A, B, C Master List	
Appendix D: Tier A	
Appendix E: Tier B	
Appendix F: Tier C	
Appendix G: System Map	

### REFERENCE COPIES (2) ONLY:

Appendix H: GIS Maps	
Appendix I: Tax Maps	
Appendix J: Property Evaluation Score Sheets	

## **1 . Executive Summary**

### *Plan Objectives and Purpose*

Mendham Borough has developed this plan to provide a framework to implement the acquisition of lands for recreation, conservation and historic preservation. This plan will be an integral part of the Mendham Borough Master Plan and physically be included as an Appendix to that document. It will serve as input to state and county applications for Open Space funding and is intended to work in concert with the New Jersey Farmland Preservation Program and the New Jersey State Development and Redevelopment Plan. Open space is land or water areas to be retained in a largely natural or in an undeveloped state. Open space preservation provides for parkland or green spaces, protecting ecologically sensitive areas, preserving flora and wildlife, or protecting areas of scenic, historic and cultural value, while at the same time-affording whenever practical public outdoor recreational opportunities for residents.

### *Findings*

The Borough is unique. It contains a designated historical district which is listed on the State and National Registers and the village lies within a more rural countryside of large residential, agricultural, and institutional landholdings. Environmentally, the Borough is unique. Within its borders it contains the headwaters of three New Jersey rivers: North Branch, Passaic, and Whippany. The vision for the Borough is not far removed from its history: a vibrant village residential and business center, steeped in historic buildings, surrounded by farms, open space and rural landscapes.

This vision is rapidly disappearing. In a six-year period, from 1987 to 1993, the Borough lost 93 acres of open space to development. This continued loss of open space over time and the rapid growth indicates a need to institute preservation efforts on a broad front. The loss of any open space is critical to the Borough since only 7% of land was vacant in 1993. The protection of open space is a key component of those factors that make Mendham "Mendham."

### *Planning Processes*

The Open Space Advisory Committee (OSAC) utilized information from the Environmental Commission's initial report on open space and other towns to develop this document. The OSAC also utilized the "*Open Space and Recreation Plan Guidelines for Participation In The Green Trust Planning Incentive*" by the New Jersey Department of Environmental Protection Green Acres Program and the "*Report on Recreation Lands in Mendham Borough*" by Kinsey Associates. The office of the Borough Administrator also provided assistance. All meetings of the OSAC were public noticed and public input was solicited through Environmental Commission survey results and Open Space public meetings held on May 9, 2002, and May 20, 2002. The overall plan development was initiated by taxpayer support of the Open Space, Recreation, Farmland and Historic Preservation Trust Fund referendum passed by 74% of the voters in November 1998.

### *Major Goals*

Implementation of this plan supports the goals of the Mendham Borough Master Plan, which can be found in Section 3 of this plan.

An inventory list of properties in three tiers has been developed. To identify properties the OSAC conducted a resource assessment using the following criteria:

- natural factors addressing primarily environmental issues.
- cultural factors addressing primarily Mendham Borough issues (historical/recreational).
- developmental factors as related to subdivision of large lots.

*Actions it proposes*

This report recommends that the Borough:

- Increase the Open Space, Recreation, Farmland and Historic Preservation Trust Fund tax to the full \$0.02 per \$100 of assessed valuation as authorized in the enabling ordinance.
- Develop a “Right of First Refusal” boilerplate contract to be signed by willing owners of properties being considered for fee simple acquisition.
- Prepare a “model” conservation easement document and encourage its use by the appropriate land use entities within the Borough.
- Actively seek donations of land and development rights.
- Develop a “preservation plan” for the Phoenix House, its most significant historical property which is publicly held. \*
- Continue to encourage and support the Village Center Cluster concept as outlined in the Master Plan and development regulations.
- Adopt the pending ordinances creating a Historic Preservation Commission and Historic Overlay Zone. \*
- Apply for “Certified Local Government Status” with the state Historic Preservation Office.
- Market the various farmland preservation programs to property owners currently recorded as being farmland assessed.
- The Borough should establish its own Non-Profit (c) (3) open space/historic preservation organization which could apply for funding in conjunction with its municipal government.
- Secure the Board of Education’s Cosma Tract, either through lease or acquisition partially funded by Green Acres, for the purpose of developing active recreational facilities.
- Apply for funding to further develop a system of trails within the Borough.
- Apply for a Smart Growth Plan, in conjunction with its municipal neighbors, to address a regional strategic open space plan.

The details of each of these proposed action items are contained in the following report.

\*These items have been completed.

## **2. Background/History**

### *Borough History*

An early account of Mendham described the area as remarkably well drained and very fertile. All fruits, grains, berries, and grapes natural to this latitude grew to great perfection and were exceedingly well flavored. The history of Mendham, located near the East and West boundary line of the Jersey Proprietorship, begins with the Lenni Lenape tribal home through the area's slow development from rural to agricultural and rise to prominence as one of the nation's leading suburban places. The Borough, until its incorporation in 1906, was the core of the township that originally included Chester and Randolph as well as Brookside, Washington Corners, Ralston, and Pleasant Valley. It was an agricultural village of gently rolling landscape, well wooded, and water fed by numerous springs and brooks. Some early industries thrived powered from three rivers: the Whippany, the Passaic, and the north branch of the Raritan. Mines, factories, distilleries, and shops served local markets until the advent of the railroad and cheap competition after the Civil War. Meanwhile, millionaire capitalists were having mansions constructed on the open sloping hillsides. Mendham reverted to an agricultural community when the industries closed and gained repute as a source of applejack until Prohibition. At the beginning of the 20<sup>th</sup> century, Mendham bloomed as a village center for shopping. Craftsman and masons were imported from Italy and elsewhere to build the mansions and install water systems. Fire fighting was organized, a post office established and a bus line incorporated.

The Borough of Mendham separated from Mendham Township to become an incorporated village on May 15, 1906. The reason for the split was to have taxing capability to pay for the installation and maintenance of a gravity based public water system needed to fight fires. The distance of the gravity flow of water of one mile in four directions from the center of the village at the crossroads of Main Street and Hilltop Road became the incorporated Borough of Mendham. Mendham settled back as a small village following difficult times of WWI, imposition of the income tax and the Depression. A new building boom began in the 1960's.

Because of the vision of Borough officials, and people realizing they are not only owners but also managers of valuable cultural resources, Mendham village is free of aluminum siding, heedless road widening and frenzied development. The best of our legacy remains. Today on almost every knoll and hilltop rises estates where once were fields and forests. Some estates have been used as private schools. Smaller homes fill in the great expanse of estate lawns and gardens. Elsewhere, clusters of homes have overlaid the formerly green pastures and fields. But it is its legacy that makes Mendham special. The fact that there was no organized colonial development and no major railroad stop, perhaps opposed by the townspeople to preclude intrusion into their village quality of life, Mendham today has no preponderant period style of architecture, e.g., Victorian. Mendham is eclectic when it comes to architectural style and so quite unique. It is rich with a district preserving many of its original homes and buildings.

### *Borough Characteristics*

The Borough of Mendham enjoys unique characteristics. Its designated historical district, which is listed on the State and National Registers of Historic Places, and village lie within a more rural countryside of larger residential, agricultural, and institutional landholdings. The Borough houses historical sites, recreational facilities, Patriots Path, farms, major institutions such as Sisters of Christian Charity, Schools, (including a Regional High School) elderly care facilities and a centralized shopping district. Four thousand eight hundred and ninety people reside within 6.02 square miles.

*Master Plan Land Use Examination Results*

In 1994 an in-depth examination of land use on a lot-by-lot basis conducted for the Master Plan indicated that Mendham's 3,800 acres are divided among the following uses:

**EXISTING LAND USE 1987-1993 MENDHAM BOROUGH**

LAND USE	Acreage		% of Total		Net Change (Acreage)
	1987	1993	1987	1993	1987 - 1993
<b>RESIDENTIAL</b>	1834	1855	48.3	48.8	+21
Single-family	(1725)	(1747)	(45.4)	(45.9)	+22
Two-family	(24)	(24)	(0.6)	(0.6)	-
Townhouse	(64)	(64)	(1.7)	(1.7)	-
Multi-family	(10)	(10)	(0.3)	(0.3)	-
Nursing Home	(11)	(10)	(0.3)	(0.3)	-1
<b>COMMERCIAL</b>	152	158	4.1	4.2	+6
Retail/Service	(38)	(38)	(1.0)	(1.0)	-
Offices	(2)	(8)	(0.1)	(0.2)	+6
<b>COUNTRY CLUB</b>	112	112	3.0	3.0	-
<b>PUBLIC</b>	269	288	7.1	7.6	+19
Parks/Open Space	(154)	(164)	(4.1)	(4.1)	+10
Other Public	(115)	(124)	(3.0)	(3.0)	+9
<b>AGRICULTURE</b>	747	802	19.6	21.1	+55
<b>QUASI-PUBLIC*</b>	224	216	5.9	5.7	-8
<b>UTILITIES</b>	1	1	0.1	0.1	-
<b>STREETS</b>	209	209	5.5	5.5	-
<b>DEVELOPED LAND</b>	3436	3529	90.4	92.8	+93
<b>VACANT LAND</b>	364	271	9.6	7.0	-93
<b>TOTAL LAND</b>	3800	3800	100.0	100.0	

SOURCE: Field Surveys by Adrian Humbert Associates, Assessor's Records, TRW Redi-File; 1994 Master Plan.

\* Includes churches, convents and other similar institutional property.

In a six-year period the Borough lost ninety-three (93) acres of open space to development

*Environmental Commission Survey*

In 1996 the Environmental Commission ran a survey giving taxpayers the opportunity to express the qualities of the Borough they valued. The semi-rural character, beauty and open space ranked highest. Residents value the friendly, small-town atmosphere, the good schools, the sense of

community and safety the Borough affords to the residents. Residents had praise for other qualities including trails, sidewalks and general "walkability", the quiet and private sense of the Borough's neighborhoods, the historic character and generally quaint and attractive appearance of the village center.

The survey requested that the residents prioritize which aspects of the community they would like to see most improved or enhanced. The vast majority, 87%, responded that protection and preservation of the Borough's natural resources was a "very important" goal. Ninety-nine (99) percent voted open space as very important to the quality of life in Mendham. Eighty-three (83) percent were in favor of linking neighborhoods with a system of paths or trail-ways. Finally, 96% of the respondents felt that the Borough should take a more active role in preserving its historic character and village characteristics.

#### *Open Space Referendum*

In November of 1998 the residents the Borough passed a referendum authorizing the creation of an Open Space, Recreation, Farmland and Historic Preservation Trust Fund. The referendum was passed by 74% of the voters with recognition of the rapid growth and development of the Borough and a need to preserve the character of our unique community and environment. Because of the referendum the Borough Council adopted Ordinance #24-98 which authorized a dedicated two cent tax to fund the Trust Fund. As of December 2000, \$175,305 is in the Trust Fund. The ordinance also established the Open Space, Recreation, and Farmland and Historic Preservation Committee, otherwise know as the Open Space Advisory Committee (OSAC).

#### *Open Space Advisory Committee*

In 1999 the Mayor of Mendham appointed nine citizens, including a Council liaison, to the Open Space Advisory Committee (OSAC). Their charge is to study and recommend parcels of land for acquisition as open space and recreation and to encourage farmland and historic preservation in support of keeping "Mendham, Mendham".

#### *Definition of Open Space*

Open space is land or water areas to be retained in a largely natural or in an undeveloped state. Open space preservation provides for parkland or green spaces, protecting ecologically sensitive areas, preserving flora and wildlife, or protecting areas of scenic, historic, and cultural value, while at the same time-affording whenever practical public outdoor recreational opportunities for residents. 'Open Space' may include a recreational area such as a golf course if the acquisition subserves the objective of the Open Space Trust Fund Act by protecting a largely undeveloped area from future development.

Specifically, this report identifies the following open space as being critical to the Borough:

- a. Vacant land.
- b. Residential land that could be subdivided.
- c. Farmland.
- d. Publicly held land that could be developed.
- e. Historic properties.
- f. Institutional holdings.



### **3. Goals, Policies and Vision**

#### *Vision of the Borough*

From the goals and policies enumerated in this section, one can glean a vision of the Borough that is not far removed from its history: a vibrant village residential and business center, rich in historic buildings, surrounded by farms, open space and rural landscapes. This is, in fact, a vision of a rapidly disappearing New Jersey.

#### *Borough Master Plan*

The Borough has established the following goals, as enumerated in its Master Plan:

- a. to protect and conserve the Borough's natural resources of soils, vegetation, air and water through the wise use of planning techniques and careful control of land development.
- b. to retain the small-town village character of the community by developing village planning criteria and establishing village center clusters to plan for new development within the village boundary.
- c. to provide adequate local community services, recreational facilities and open space for the future.
- d. to assure healthy business districts which are adequate to serve the residents of the Borough.
- e. to provide for the safe movement of people through the Borough.
- f. to recognize and encourage preservation of those historic properties and buildings that contributes to the unique atmosphere that is Mendham, particularly the Mendham Historic District that is on the National Register of Historic Places.
- g. to maintain a reasonable balance and variety of housing options within an approved housing element.
- h. to preserve the fundamental rural quality of the Borough beyond the village environs.

#### *Open Space Advisory Committee Mission*

The mission of the Open Space Advisory Committee (OSAC) is to develop an Open Space & Recreation Plan, which supports the goals and objectives of the Master Plan and provides a framework for achieving its goals. The Open Space & Recreation Plan protects and preserves open space while taking into consideration location and type of growth as related to Mendham's physical appearance, historic significance, environmentally sensitive features, its requirements for residential recreation and for public services and facilities.

#### *Open Space Advisory Committee Powers and Duties*

To fulfill its mission, the OSAC has been given the following powers and duties as outlined in its enabling ordinance:

##### § 35-3. Powers and duties.

A. the Open Space, Recreation, and Farmland and Historic Preservation Committee shall, from time to time, submit written recommendations to the Borough Council as to:

- (1) Which parcels of land should be acquired for recreation and conservation purposes and whether such parcels should be acquired in fee or only by acquisition of development rights.
- (2) Which of the lands acquired for those purposes should be developed and/or maintained.

(3) Which farmland should be acquired for farmland preservation purposes and whether such farmland should be acquired in fee or only by acquisition of development rights; and

(4) Which historic properties, structures, facilities, sites, areas, or objects should be acquired for historic preservation purposes.

B. the Open Space, Recreation, and Farmland and Historic Preservation Committee shall submit to the Borough Council a prioritized list of properties:

(1) Which it recommends that the borough acquire.

(2) From which it recommends that development rights should be acquired.

(3) Which the borough has acquired and which the Committee recommends be developed and/or maintained for recreation and conservation purposes; and/or

(4) That are historic properties, structures, facilities, sites, areas, or objects that the Committee recommends be preserved or acquired for historic preservation purposes.

C. After selection of the properties to be acquired, developed, maintained, or preserved referred to in Subsections A and B above, the borough may proceed to acquire by gift, purchase or by eminent domain proceedings, pursuant to N.J.S.A. 20:3-1 et seq., or to develop, maintain or preserve, the identified parcels within the financial constraints established by the Borough Council.

#### *Mission Supportive Objectives*

The OSAC has established the following objectives in support of its mission:

- a. Provide for the active and passive recreation needs of the residents of the Borough through acquisition of additional and linkage of existing parkland.
- b. Expand pedestrian access throughout the Borough.
- c. Preserve historic sites.
- d. Provide the community with areas that aid in controlling flood waters, preventing water pollution, and replenishing underground water supplies.
- e. Provide for wildlife and vegetative habitat.
- f. Protect and preserve sensitive areas including headwater, stream corridors, wetlands, and steep slopes as well as other areas that are unique in the Borough. (The Borough has headwaters for three rivers - North Branch, Passaic, and Whippany).
- g. Protect and preserve farms, fields, and woodlands.
- h. Minimize the increasing demand on municipal services such as fire, police protection, schools, roads, and sewer improvements.
- i. Preserve quality of life in Mendham Borough.

#### 4. Inventory

Utilizing tax records, the Borough Master Plan and a review of easement documents on file, the OSAC has developed the following inventory of existing public and private open space and recreation resources. The inventory includes the property name and location, block and lot, size, a brief description of the facilities on the property, and whether it is held privately or publicly.

Name	Location	Block	Lot	Area	Facilities	Designation
India Brook Park	Mountainside Road	101	21	27	Open Space - Undeveloped Unimproved Trail, Access to India Brook, 1 Picnic Table	Public, Borough
Patriots Path	From Ironia Road to Mountain Avenue	102	1 to 8	5.7	Open Space - Semi-Developed, Improved Trail	Public, Borough
Linden Lane Tract	North Linden Lane	201	70	6.8	Open Space - Undeveloped	Public, Borough
Mountain Valley Park, Pastime Fields	Mountain Avenue	501	43	33.1	Recreational Land - Developed, Ball fields, Picnicking, Hiking (Patriot's Path), Fishing, Access to N. Branch of Raritan River, Pond	Public, Borough
Dean Road	Arboretum, Dean Road Park	501	44	46.8	Open Space - Undeveloped, Arboretum, Walking Trails, Access to N. Branch of Raritan River	Public, Borough
Borough Park	Mountain Avenue	601	16	15	Recreational Land - Developed, Ball fields, Basketball, Tennis, Playground	Public, Borough
Coventry Road Tract	Coventry Road	1401	37	10.4	Open Space - Undeveloped, Access to Passaic River	Public, Borough
Route24 & Cold Hill Road		1403	1	0.04	Roadside Garden	Public, Borough
Franklin Road Tract	Franklin Road	1707	3	4.1	Open Space & Recreational Land, Ice Skating, Soccer	Public, Borough

<b>Name</b>	<b>Location</b>	<b>Block</b>	<b>Lot</b>	<b>Area</b>	<b>Facilities</b>	<b>Designation</b>
West Field	West Main Street	1801	16.02	9.9	Recreational Land & Open Space, Soccer Fields	Public, Borough
Heather Hill Way Tract	Heather Hill Way	1801	19	5.2	Open Space, Undeveloped	Public, Borough
Cosma Tract	Cosma Place	201	70	6.84	Open Space – Undeveloped	Public, Borough
Cosma Tract	Cosma Place	201	73, 79	13.3	Open Space – Undeveloped	Public, BOE
Mountainview School	Dean Road	703	14,16	1.6	School, Playground, Ball fields	Public, BOE
West Morris Regional	East Main Street	1401	8,9	20	School, Ball fields, Tract	Public, BOE
Hilltop School	Hilltop Road	1501	35	2.5	School, Playground, Ball fields	Public, BOE
Roxiticus Country Club	Bliss Road	2601	3	112	Golf, Swimming, Tennis	Private
Schwab Easement						
Rienau Farm	Mountainside Road	101	13	11	Farmland	Private
Rienau Farm	Mountainside Road	101	14	18	Farmland	Private
Rienau Farm	Mountainside Road	201	63		Farmland	Private



## 5. Needs Analysis

The OSAC conducted a Needs Analysis to determine the adequacy of the Borough's current open space and recreation system for present and future needs. The Needs Analysis is divided into four categories: Open Space, Farmland Preservation, Recreational Space and Historic Preservation. The status, future trends, conditions, influential factors and future needs have been examined.

### *Open Space.*

Open Space preservation in the Borough has historically been achieved through land dedications created by sub-division development. These properties tend to remain in a large part, undeveloped and have environmental constraints such as freshwater wetlands or streams. Examples of this are the lots located at the end of Heather Hill Way (block 1801, lot 19), the Dean Road Arboretum (block 501, lot 44) and the acre of the Franklin Road Tract (block 1707, lot 3) south of the Passaic River. This trend will most likely continue due to the high price of land. It is also anticipated that use of conservation easements in lieu of fee simple acquisition will be utilized. Zoning and property values are the most common influential factors on open space. As cited previously, the Borough lost ninety-three (93) acres of land to development between the years 1987 and 1993. The continued loss of open space over time and rapid growth indicates a need to institute preservation efforts on a broad front. The loss of any open space is critical to the Borough, since only 7% of its land is vacant land.<sup>1</sup> The protection of open space is a key component of those factors that make "Mendham, Mendham"

### *Farmland Preservation.*

The essence of Mendham Borough is its village center, which is surrounded by farmland and large estates. While currently there are over fifty (50) properties that are receiving farmland tax assessment, the acquisition of farmland development rights and other preservation techniques have not been utilized in the Borough until recently.

The owners of block 101, Lots 13 and 14 and Block 201, Lot 63, located at 210 and 220 Mountainside Road, have agreed to sell the development rights of thirty-one acres (31) to the Morris County Agriculture Development Board, as provided for in the Agriculture Retention and Development Act. The Borough Council adopted resolution #100-00 supporting the sale. The property will now be permanently preserved from future development. The importance of this transaction is two-fold: it was the first such purchase of development rights to take place in Mendham Borough, and Lots 13 and 14 had been prioritized on the OSAC's list of properties to be preserved.

Additionally, the owners of Block 1401, Lot 7, the sheep farm located at 63 East Main Street, have applied, at the time this report was prepared, have petitioned for the creation of a municipally approved farmland preservation program. The program is a voluntary program in which a property owner agrees to deed restrict their property for eight years. In return, the property owner receives agricultural benefits such as eligibility for cost sharing on soil and water conservation projects and certain protection from eminent domain procedures. The Morris County Agriculture Development Board approved the property owners petition is complete and that the property owners complied with all provisions. The Mendham Borough Planning Board, along with the Mendham Borough

---

<sup>1</sup> As determined in 1984.

Planner has recommended, and the Borough Council has recently adopted a municipally approved farmland preservation program.

As with open space, zoning and property values have the most influential effect on farmland. If these two recent farmland preservation efforts are successful, it is anticipated that the trend towards preservation of farmland will increase in the Borough.

### *Recreational Land*

For the purposes of this report, recreational lands are divided into two categories, passive and active.

#### Active Recreational Land Needs

The Borough's Master Plan notes that the National Recreation and Park Association (NRPA) recommends a minimum of ten acres of recreation land for each 1,000 people in the community. Based on this recommendation the Borough would need approximately 49 acres of recreation land. The Borough's current inventory exceeds this calculation.

In 1995, the Borough Council commissioned a study of the Borough's recreational facilities by Kinsey Associates of Hackettstown. In May of 1996, they issued their report, which was based principally upon interviews with the community's various athletic organizations. Not surprisingly, the survey results focused on the need for redevelopment of our existing fields. The Borough has redeveloped the Borough Park site with the assistance of a Green Acres low interest loan. The work included re-grading of ball fields, installation of new backstops, re-construct of concrete dugouts, grading and drainage work, installation of curbing, installation of new playground equipment and added bathrooms and meeting rooms to the park.

Although wetlands constraints prevented a dramatic restructuring of the Hilltop site, refurbishment of the Hilltop site has been completed within the existing footprint.

The second most utilized active recreational site is West Field (block 1801, lot 16.02), which contains three soccer fields. The upper field is beginning to show wear and tear and will be retired next year for reconditioning. The Franklin Road (block 1707, lot 3) tract contains a soccer field and pond for ice-skating.

One trend that neither the Kinsey Report or the statistics from the NRPA take into account is the recent trend of combining recreational organizations between municipalities. As an example, the Borough and Mendham Township share a joint Little League program and soccer programs draw from surrounding municipalities. Sharing of services in this way may pressure the Borough to add to its active recreational land holdings. Additionally, individuals outside of the Borough utilize much of the recreational land in the Borough, such as the Pastime Field and the High School. Because of these factors, the Borough is continuing to look for opportunities to secure additional recreational lands.

#### Passive Recreational Lands

After considering the status of the athletic fields, the 1996 Kinsey report speaks to the need for passive recreation areas such as parks structured for "walking, social interaction, nature study or for no purpose at all but relaxation" as a chief deficiency in the Borough's existing system. Thus, it would seem that the development of such passive recreation venues should become a principal focus for the community.

The Kinsey report's views of the need for passive activity opportunities in the Borough was echoed in a survey conducted by the Mendham Environmental Commission in September 1996. The survey found that 80% or more of the respondents ranked the need for protection and conservation of the Borough's natural resources, retention of the small-town village character and a sense of community as very important. Indeed, the need for trails, sidewalks and "walkability" were among the top seven responses as to current needs.

The three largest passive recreational tracts the Borough owns are India Brook Park (block 101, lot 21), Mountain Valley Park (block 501, lot 43) and Patriots Path (block 102, lot 1 to 8). Of these, Patriots Path and Mountain Valley Park are the most utilized. A fourth area, the Dean Road Arboretum (block 501, lot 44) as well as Mountain Valley Park, are located along Patriots Path and are situated in the densest location of the Borough. Indian Brook Park, which is more secluded, can be accessed by Patriots Path via an undeveloped footpath. The Borough owned Cosma Tact (block 201, lot 70) is also located in the more developed section of the Borough.

If a trend develops to add to the Borough's recreational land holdings pressure may increase to develop passive recreational tracts to accommodate recreation that is more active. Therefore, there is a strong need to identify properties that can be developed for active recreational opportunities while balancing the need for passive, quiet public areas within the community.

#### *Historic Preservation*

Mendham Borough is in the forefront of new municipal programs and practices such as master planning including obtaining "center" designation in the State's master plan, environmental protection, open space and historic preservation.

Much of the allure of the Borough comes from its historic architectural legacy. However, commercial creep is turning to crawl which may soon ravage the village's antiquity and squander the rich architectural legacy that helps make Mendham "Mendham." The town has been able to maintain its historic roots without sacrificing the needs of today's residents, but this may be jeopardized if guidelines are not established. This corner property in the center of town along with the Black Horse Inn, Phoenix House and Robinson's Drug Shop are the original structures and together comprise a keystone to the ambiance of the community.

To preserve its architectural legacy and protect the town against degradation, the Borough Council passed an ordinance to dedicate the historic district and establish a historic preservation commission. The district uses the existing boundaries of the area listed in the National Register of Historic Places. Some 140 contributing and non-contributing buildings that exemplify the history of the village from its 18<sup>th</sup>-century beginning to its 1906 incorporation as a Borough are designated, but each one would still contribute to the streetscape. The ordinance covers both businesses and residences and mandates that a historic preservation commission comprised of residents and experts (architecture and history) review certain improvements and demolitions. The commission will describe community-based standards and design criteria based principally on those established by the Secretary of the Interior. Moreover, the Historic Preservation Commission has the ability to evaluate each application individually and make recommendations accordingly.

Adopting of the ordinance to establishing an Historic Preservation Commission moves the Borough one step closer to having a qualified process for the preservation of the community's historic places. Mendham has a quality of life and ambiance worth preserving. The idea is not to restrict the preservation but to balance alternatives, give advice and recommend the right thing to those who apply to preserve a part of the community. Trained in historic preservation, the commission members can provide guidance and offer specific meaningful recommendations. By



assisting property owners who undertake to restore their properties, all can share in the desire to get it right and do their part to preserve the town's architectural legacy for its children's children.

## 6. Resource Assessment

Using techniques learned from other municipalities, the OSAC developed a process, which assessed public and private land and water resources that have the highest potential opportunities for providing historic and open space preservation and recreation opportunities. It then modified these techniques developing a tiered or "bucket" approach rather than an enumerated priority list. Each property was assessed for its ability to be subdivided, type, size, facilities, ownership and control and current degree of protection. Additionally, each property was assessed as to its availability and whether it was under threat of development.

### *Criteria*

The OSAC conducted this assessment using the following criteria: 1) *Natural Factors* addressing primarily environmental issues; 2) *Cultural Factors*, addressing primarily Mendham Borough issues (historical/recreational) and 3) *Developmental Issues*, as related to subdivision of large lots. Each criterion was then broken down into a series of subcategories (Appendix A). As weighting can become a subjective method, each subcategory was given the same weight "5" except for those listed under Development Issues.

The first cut at funneling and determining properties for consideration was to utilize Mendham Borough zoning criteria in conjunction with large propensity for subdivision. The OSAC utilized the Environmental Open Space Report (1984) and the Borough tax maps to conduct this assessment, as well as zoning, property tax and other data. Subject properties were then designated as either "oversize" or "large" by examining their area and zoning (Appendix B). Properties designated as "oversize" are twice as large as the current zoning. Properties designated as "large" are four times as large as the current zoning.

OSAC subcommittees, as to Natural Factors and Cultural Factors, then further evaluated these properties. The Environmental Committee that had in previous studies walked properties provided input. Detailed GIS Maps depicting slopes, wetlands and soil were reviewed by the OSAC.

Properties were then "bucketed" into tiers according to their numerical rating and zoning designation (Appendices C-F). This "bucket" criterion approached combined numerical rating with zoning that depicts likelihood of subdivision and density, historical value important to our culture and streetscape that are uniquely characteristic to Mendham.

As the properties are unlikely to come available in a specifically assigned numerical order, the bucket approach offers the Borough flexibility to address any high priority property as it becomes available and immediately know whether to pass on properties in a lower bucket.

## 7. Action Plan

The OSAC has developed the following action with the understanding that it should be reviewed on a five-year basis.

### *Farmland Preservation - Long Term Action Items*

It is the Borough's goal to continue the tradition of farming by undertaking the following:

- The Borough will actively work with property owners to prepare applications for participation in the Eight Year Farmland Preservation Program. In return for voluntarily placing development restrictions on their lands for a period of at least eight years landowners can participate in cost sharing grants for soil and water conservation projects, stronger protection from nuisance complaints and are less susceptible to eminent domain takings by a public body.
- The Borough will actively market an Easement Donation Program. By donating development easements of farm properties landowners can take advantage of certain federal benefits. Specifically, the IRS allows qualified easement donations to be claimed as charitable gifts and the total value of farmland upon which estate taxes are claimed may be reduced by the value of the donated development easement. Additionally, the remaining value of the deed restricted land can be excluded from the total estate by up to 40%.
- The Borough will also coordinate information seminars on farmland preservation with the appropriate local, county and state officials. Specifically, the Borough will partner with the Morris County Agricultural Development Board to promote the aforementioned programs and Fee Simple Acquisition/Resale and Easement Purchase programs.
- Once available the Borough will research the feasibility of applying for a Planning Incentive Grant (PIG) to preserve farmland.
- The Borough will continue to encourage the utilization of farmland assessment for property tax relief.
- The Borough should adopt a Right to Farm ordinance to promote the continuation of agriculture in the Borough while recognizing the potential conflicts among all lawful activities in the Borough.

### *Historic Preservation - Long Term Action Items*

It is the Borough's goal to maintain and enhance the character of the Borough of Mendham as a 19th Century New Jersey village depicted in the Mendham Historic District designation on the National Register of Historic Places. To accomplish this goal:

- No permit shall be issued for the construction of a building in the Historic Business Zone when such construction is discordant, incongruous with, or dissimilar to existing buildings and the 19th Century village character of the community.
- Property owners within the Historic Business Zone who seek to make renovations or alterations to the exterior design of a building or structure or who seek to enlarge the building or make major structural change will be subject to site plan review (195-34 B. (2)).
- Historic buildings which have been or will be renovated or restored in a manner that, in the judgment of the Planning Board, retains or enhances their period architecture and their contribution to the district may be considered worthy of special treatment and relaxation of certain ordinance restrictions by the Planning Board at the time of site plan review.
- Reconstruction and renovation of non-historic buildings and structures within Historic Business Zone shall be required to follow design guidelines that will preserve and protect the visual integrity, character and period architectural style of the zone.

- Adoption of Ordinance 04-01 and 05-01, establishing a Historic Preservation Commission and Historic District Overlay Zone, aids significantly with the Borough's Historic Preservation goals.
- The Historic Preservation Commission should seek Certified Local Government status from the Historic Preservation Office of the Department of Environmental Protection. Certified Local Government status constitutes reorganization by Historic Preservation Office of competence on preservation matters and allows for local review of preservation projects involving public owned buildings within the municipality. Certified Local Government municipalities are also eligible to apply for grant funds that assist with preservation planning objectives and training.

#### *Open Space Preservation – Long Term Action Items*

In order to preserve critical open space:

- The Borough will continue to encourage cluster zoning to preserve open space and scenic vistas through the Village Center Cluster concept. The village center cluster development option provides standards that encourage and promote flexibility, economy and environmental soundness in layout and design. A village center cluster is intended to stimulate development which reflects historic patterns in the borough, and which permits a mix of housing types and a variety of lot sizes. A more detailed description of the Village Center Cluster concept can be found in the Borough Master Plan and zoning ordinance (215-14).
- The Planning Board and Board of Adjustment should continue the use of conservation easements as a tool to preserve open space when reviewing site plans and sub-divisions. This is one of the most affordable methods of preserving open space: the property remains privately held, thus is still generating property tax revenue for the borough while requiring no public funds for maintenance.
- The Borough will also explore the use of donations of conservation restrictions for tax deduction purposes. The primary technique for this method of land preservation is found in the "New Jersey Conservation Restriction and Historic Preservation Restriction Act" (NJSA 13:8B). This act provides for the establishment of "conservation restrictions" which are rights in land, held by a charitable conservancy or municipality, for the purpose of retaining the land in a permanent natural condition.
- The Borough will actively seek the voluntary donation or sale of conservation restrictions and development rights by property owners of appropriate lands. An educational campaign will be organized to explain the tax benefits of selling development rights and placing conservation restrictions on land, and the subsequent obligations of the landowner and holder of the conservation restriction. The overall goal is to explain to land holders how preserving their land as open space can be a satisfying and positive experience.

#### *Recreation - Long Term Action Items*

The Borough must continue to balance the expanding need for active recreational spaces with contrasting desire to maintain passive, natural areas for its citizens. The Borough will target specific parcels for recreational purposes. Acquisition of recreational land in fee simple by is a significant commitment of the Borough's financial and management resources. Therefore, the parcels to be acquired must be carefully chosen to maximize the value to the community while minimizing cost.

- The Borough should apply for Green Acres funding to acquire the Board of Education's Cosma Tract (block 201, lots 73, 79) or enter into a long-range lease for the property. Concurrent with this effort, the Borough should engage a professional consultant to design active recreational facilities that are sensitive to the residential surroundings.

- The Borough should develop the Mountain Valley Park site, as discussed in the 1996 Kinsey report. Principal among the areas that should be considered for enhancement are improvement to water access, improvement of the "beach" area, and accessibility to the "back side" of the park including the beach and the volleyball court behind it. Likewise, continued attention should be paid to the loop trail and other walking links throughout the community.
- The Borough should pursue and support passive activities which do not require infrastructure enhancements such as the annual Christmas tree burning, or the community sledding at Hilltop School.
- The Borough should continue to develop pedestrian, equestrian and bicycle trails though out the municipality, including enhancements to Patriot's Path, the India Brook Park connecting path and establishment of a Borough wide trail system.

#### *Long Term Funding of Fee Simple and Easement Acquisitions & Historic Preservation*

Second only to land use regulations, funding is critical to opens space, farmland, and historic preservation. This report has identified the following sources of funding:

- Borough's Open Space, Recreation, Farmland and Historic Preservation Trust Fund was authorized in 1998 and established in 2002 has collected approximately \$281,429. Funds may be used to acquire, develop and maintain property for recreation, historic or open space preservation. The Trust may also fund the acquisition of development rights, bonding down payments or for any other purpose established within the enabling ordinance at the discretion of the Borough Council. The Trust is funded through a property tax assessment of \$0.015 per \$100 of assessed valuation. The assessment can not exceed \$0.02 unless the enabling ordinance is amended. The Trust can also accept donations and testamentary bequests and all interest accruing shall remain in the Trust Fund and may be utilized for the above-described purposes.
- Farmland Preservation Programs are funded primarily on a County and State level. The State Agricultural Development Board (SADB) acquires farms and then resells them at a public auction with an agricultural deed restriction.
- Green Acres funding is available in three basic schemes. The standard acquisition format is available to municipalities that do not have an open space tax. If eligible assistance to the municipality comes in the form of a 25% grant and a low interest loan if available. A Planning Incentive program is available to municipalities that have an open space tax and Open Space and Recreation Plan. Funding is available in the form of a 50% Green Acres grant and some low interest loans for property acquisitions. A two percent loan is available, on a very limited basis, from Green Acres from outdoor recreational development. The Borough recently used this form of funding to re-develop Borough Park.
- New Jersey Environmental Infrastructure Trust is offering low interest loans for the purchase of environmentally, water quality sensitive land. This funding source should be utilized to acquire properties that are target for fee simple acquisition that contain sensitive water courses.
- Garden State Historic Trust provides funding for brick-and-mortar historic preservation efforts. Funding is available in the form of a 60% matching grant for projects under \$200,000 and a 50% matching grant for projects over \$200,000. Acquisition of property is not eligible for program funding. Project must be publicly owned or under the ownership of a nonprofit organization. Renovations to the Phoenix House, one of the Borough's administrative buildings, is eligible to receive funds from this source.
- The Borough should establish its own Non-Profit (c) (3) open space/historic preservation organization which could apply for funding from other sources not available to the Borough,

as well as some of those listed above. Municipalities that have such organizations have been able to submit dual applications for a single project maximizing the funds available. Because open space is a regional issue, the Borough should consider the development of a joint non-profit organization with Mendham Township and Bernardsville Borough.

#### *Funding Sources for Ancillary and Planning Projects*

In addition to the funding sources identified for acquisition of land, development easements, recreational facility development and historic preservation, the following:

- The State of New Jersey's Smart Growth Program provides funding for a variety of planning-based studies, the development of ordinances, regional strategic plans, open space plans, build-out analyses, and other planning activities. Projects that involve only one municipality require a 20% local match. Multi-municipal proposals have no municipal match and are completely funded by the program.
- The National Recreational Trails Program provides funding for the development of trail and trail facilities.

#### *Short Term Actions Items*

- In light of the funding needs for various preservation projects it is recommended that the Borough Council consider increasing the collection rate to the full \$0.02 per \$100 of assessed valuation as authorized in the enabling ordinance.
- The "Tier A" properties should be reviewed and a determination as to which form of preservation is most appropriate: conservation easements; fee simple acquisition; farmland preservation.
- The Borough should develop a "Right of First Refusal" boilerplate contract to be entered into with willing owners of properties being considered for fee simple acquisition. If necessary, "deposit" or good faith money could be accessed from the Borough's Open Space, Recreation, Farmland and Historic Preservation Trust Fund. This would latter be applied to the purchase of the property. A review of pertinent controlling law by the Borough's Attorney would be necessary.
- The Borough should, with the assistance of its Attorney, prepare a "model" conservation easement document to be used by the appropriate land use review boards in the Borough. The model easement document will allow for annual inspection of the property and specific remedies if easement conditions are violated and would be incorporated in the Borough's land development ordinances.
- The Borough should develop a "preservation plan" for the Phoenix House, its most significant historical public property. Development of such a plan will assist with the acquisition of historic preservation funds.
- The Borough should develop a "target list" of farm properties utilizing the Tax Assessors records of who are currently farmland assessed. This list can then serve as a marketing tool to promote farmland preservation programs. Properties that are farmland assessed and are listed on the Tier A list should receive the highest priority.
- The Borough should apply for funding from the National Recreational Trails Program to further develop a system of trails within the Borough.
- The Borough should apply for a Smart Growth Plan, in conjunction with its municipal neighbors, to address a regional strategic open space plan. Mendham Township and Bernardsville Borough are the natural partners in this endeavor, however other municipalities should be invited to participate.

## **8. System Map**

Developed by the Borough's GIS program, the Open Space and Recreation Plan System Map shows all wetlands, steep slopes, exempt open space lands held by the State, County, Borough or other entities, as well as those properties identified through the Resource Assessment process. It is attached to this report as Appendix G.

## **9. Public Participation and Planning Consistency**

From the beginning, the Borough has sought the public's input to the development of its open space policy. As was mentioned in Section 2, Background/History, the Borough's Environmental Commission conducted a survey in 1996 of residents. This survey was instrumental in the formation of the Borough's policy and was one of the factors in establishing the Open Space Advisory Committee.

Since its inception, the Open Space Advisory Committee has conducted its meetings according to the Open Public Meetings Act. From time-to-time members of the public and interested parties participated in the committee's deliberations.

When the OSRP was in draft form, the committee reviewed the plan with a variety of stakeholders, including recreation groups, the Borough's Planning Board, and the Morris Land Conservancy.

Two public hearings were conducted. The first was held by the Open Space Advisory Committee on May 9, 2002. A copy of the Committee's minutes and public notices from two newspapers of record are attached as Appendix B-2. The second public hearing was conducted during a regularly scheduled meeting of the Borough Council, which took place on May 20, 2002. A section of the Borough Council's minutes dealing with the public hearing, and the public notices from two newspapers of record are also attached as Appendix B-2.

Also attached in Appendix B-2 is a memo, dated June 11, 2002, from the Borough's Land Use Coordinator. In the memo it is noted that the OSRP has been found to be consistent with the Borough's Master Plan by the Planning Board. The Board is at this time considering formal adoption of the OSRP as an appendix of the Master Plan.

**Appendix A**  
Recreation & Open Space Inventory Map



**Appendix C**  
Confidential  
OSAC Inventory Tiers A, B, C

**CONFIDENTIAL**  
**MENDHAM BOROUGH OPEN SPACE ADVISORY COMMITTEE**  
**TOP 12**

<u>Location</u>	<u>Block</u>	<u>Lot</u>	<u>Zone</u> <u>Size*</u>	<u>Lot</u> <u>Size*</u>	<u>Remarks</u>	<u>OSAC Rating</u>
<b>1</b> 210 Mountainside Rd (West)	101	13	3	11	Adjoins India Brook Park	97
220 Mountainside Rd (West)	101	14	3	18	Adjoins India Brook Park	97
230 Mountainside Rd (West)	101	15	3	9.3	Adjoins India Brook Park	97
226 Mountainside Rd (West)	101	16	3	9.7	Adjoins India Brook Park	97
240 Mountainside Rd (West)	101	17	3	8	Adjoins India Brook Park	97
260 Mountainside Rd (West)	101	19	3	19	Adjoins India Brook Park	97
<b>2</b> Mountainside Road (East)	501	23	1	10.6	Scott Farm	89
<b>3</b> 7 Halstead Road	604	7	1	6.9	Lucas	88
<b>4</b> 72 Cold Hill Rd	804	1	1	5	Assisted Living	95
<b>5</b> 63 East Main St	1401	7	½	7.4	Sheep Farm <sup>2</sup>	95
<b>6</b> 80-88 West Main St	1801	5	3	44.6	St. John's/Daytop	99
<b>7</b> West Main St	1801	16	1	101.3	DeNeufville	102
<b>8</b> 31 Hilltop Rd	1901	12	1	7.4	Weeks	72
<b>9</b> 11 New St	1903	1	1	1.5	Apple Orchard	65
<b>10</b> Hilltop Rd	1801	36	5	43.2		103
Thomas Road	1801	37	5	33.9		103
Thomas Road	1801	38	5	77.2		103
Thomas Road	2201	1	5	25.4		103
Thomas Road	2201	2	5	26.5		103
Thomas Road	2201	3	5	11.7		103
<b>11</b> 175-179 Cherry Lane	2301	2	5	80.7	Fasano	95
<b>12</b> 395 Cherry Lane	2301	3	5	34	Three Fields	95

\* Acres

<sup>2</sup> Property recently entered into the eight-year voluntary farmland preservation program.

**Appendix G**  
**System Map**  
**CONFIDENTIAL**

**Appendix D**  
**TIER A**  
**CONFIDENTIAL**

**Appendix E**  
**TIER B**  
**CONFIDENTIAL**

**Appendix B-2  
Public Hearing Notices,  
Minutes &  
Planning Board Memo**

