

Planner Report #1

To: Borough of Mendham Planning Board

From: Jessica C. Caldwell, PP, AICP, LEED-GA, Land Use Board Planner

Subject: V-Fee Mendham Apartments, LLC (JLUB #23-22)

Major Preliminary & Major Final Site Plan Approval – Bulk "C" Variances

Block 801, Lot 20

84 – 90 East Main Street, Mendham, NJ 07860 Borough of Mendham, Morris County, New Jersey

Date: July 14, 2024

Dear Board Members:

The purpose of this report is to provide the Board guidance in its review of JLUB #23-22, submitted by V-Fee Mendham Apartments, LLC. The Applicant proposes to construct a 75-unit inclusionary multifamily residential development with related site plan improvements in the rear of the subject property. The Applicant will require a "C" variance to permit the installation of 9 x 18 feet parking stalls whereas the Ordinance requires 9×20 feet stalls.

Documents Reviewed

- Twenty-Nine (29) sheets of site plans entitled "Preliminary and Final Site Plan for V-Fee Mendham Apartments, LLC Proposed Multi-Family Residential Development Block 801, Lot 20 84-90 East Main Street Borough of Mendham Morris County, New Jersey" prepared by Stonefield Engineering & Design dated October 20, 2022 and revised through July 2, 2024.
- Two (2) sheets of ALTA / NSPS Land Title Survey entitled "ALTA / NSPS Land Title Survey Map of Survey of: Tax Map Block 801 Lot 20 84 86 88 East Main Street Borough of Mendham County of Morris State of New Jersey" prepared by Stonefield Engineering & Design dated September 30, 2022 and revised through October 18, 2023.
- Eleven (11) sheets of architectural plans entitled "Preliminary & Final Site Plan 84-90 East Main Street Borough of Mendham, Morris County, New Jersey V-Fee Mendham Apartments, LLC Proposed Multi-Family Residential Development Block 801; Lot 20" Prepared by Marcheto, Higgins, Stieve Architects dated October 24, 2022 and revised through May 15, 2023.
- Stormwater Management Report prepared by Stonefield Engineering and dated October 20, 2022.
- Ecological Impact Statement prepared by Stonefield Engineering and Dated October 20, 2022.
- Traffic Impact Study prepared by Stonefield Engineering and Dated October 20, 2022.
- Flood Hazard Area Study prepared by Princeton Hydro, LLC and Dated May 2021.
- Copy of application, checklist and additional supporting documents.

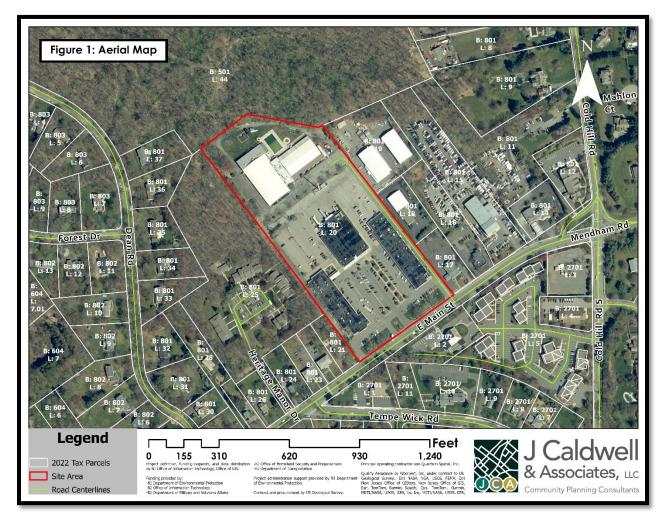


Existing Conditions

The Site

- 1. Lot Size: 577,865 Square Feet (13.27 acres).
- 2. Existing development includes the following:
 - **A.** The site consists of four (4) one-story buildings which contains a total of 133,666 square feet of retail space;
 - i. Kings Food Markets
 - **a.** One Story Masonry constructed Building (27,504) Square Feet.
 - **b.** Center of the Site with the frontage facing East Main Street.
 - ii. Two Strip Mall Retail Buildings
 - **a.** Frame constructed 1 Story Building (24,440 Square Feet & 28,528 Square Feet).
 - **b.** Multiple tenants with buildings facing each other towards the center of the site.
 - iii. Mendham Health and Racket Club (Vacant)
 - **a.** One-Story Frame and Metal constructed Building (53,914 Square Feet).
 - **b.** Located in the north western section of the property behind the Kings Supermarket.
 - c. Inground Pool and Play areas behind the site.
 - B. Parking Lots;
 - C. Sidewalks;
 - **D.** Various Signage;
 - **E.** Ancillary Site Improvements.
- 3. The site is located entirely within the Highlands Planning Area.

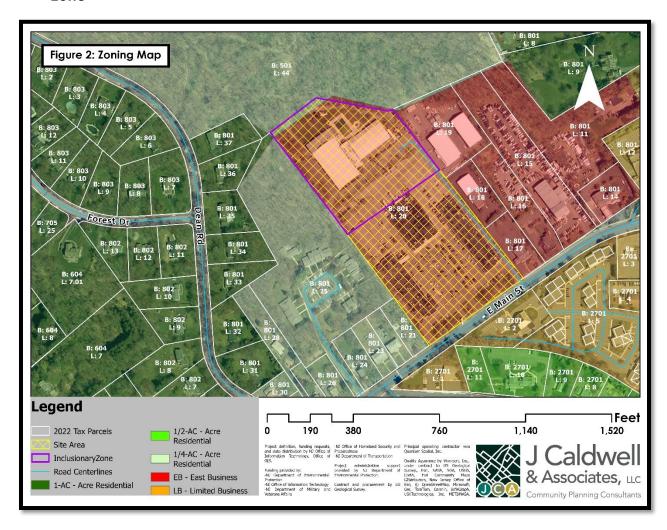






Zoning

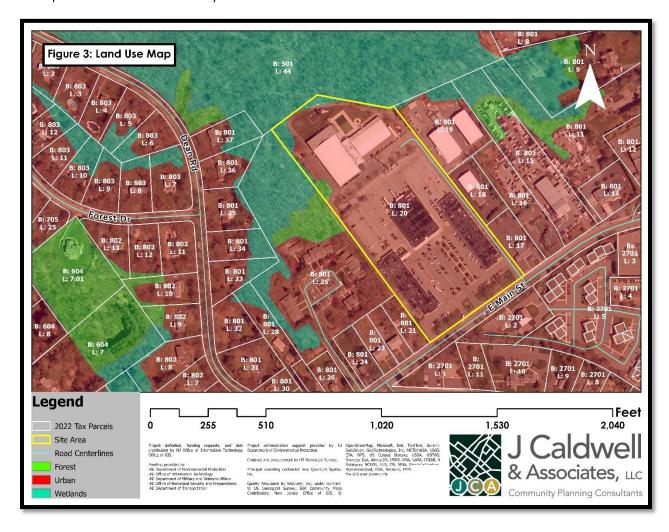
4. The application is located within the EB-AH, East Business Zone – Affordable Housing Zone





Neighborhood Context

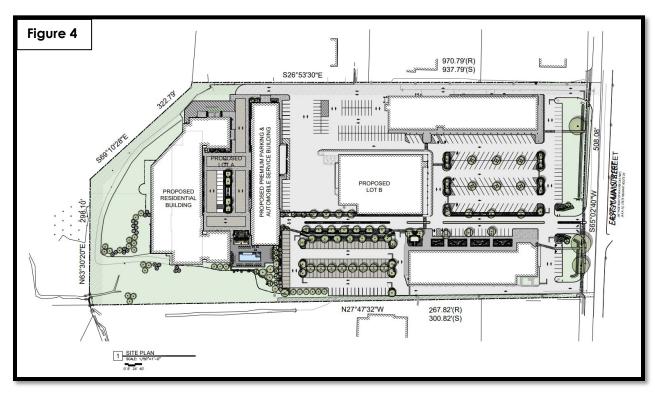
5. The subject property is located in the northeastern section of Mendham Borough and is within 800 feet of the border with Mendham Township. The property is located in a commercial section of the municipality with a mix of office and retail that spans east to the border with Mendham Township. There are also commercial uses to the southeast of the property along East Main Street and on Tempe Wick which transition into single-family homes going easterly along Tempe Wick Drive towards the Mendham Borough border. There is a post office on the corner of East Main Street and Tempe Wick Drive. To the south and west of the site are primarily singlefamily homes, although the property directly to the southwest of the property is a 40-unit senior housing community managed by the Mendham Area Senior Housing Corporation. To the north and west of the site are wetlands and forest preserved as part of Mountain Valley Park.



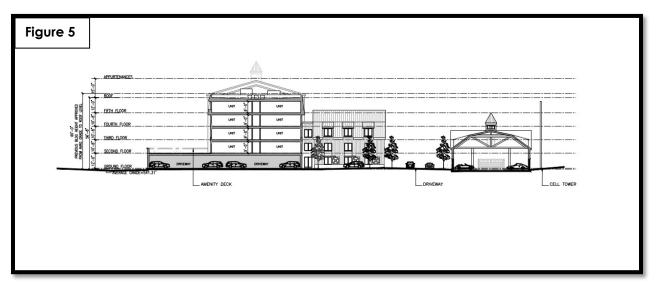


Proposed Project

6. The Applicant proposes to demolish the existing tennis center with all improvements including the in-ground pool, gravel play area and shed and construct a mixed-use development consisting of 75-unit inclusionary multifamily residential development with a 20 percent set-aside for affordable housing and associated site improvements, an automobile service facility containing premium parking spaces, an off-street parking garage and surface parking, a recreation facility including an outdoor swimming pool, landscaping, utilities, site lighting and stormwater management facilities.







Area and Bulk Requirements

Table 1: EB-AH, East Business Zone - Affordable Housing Zone

Item	Ordinance	Required	Existing	Proposed	
Adia Lat Araa	2015 74D/11	130,680 SF	577,865 SF	577,867 SF	
Min. Lot Area	§215-74B(1)	3 Acre	13.27 AC	13.27 AC	
Min. Lot Width	§215-74B(4)(a)	200 FT	509.4	509.4 FT	
Min. Front Yard	§215-74B(4)(b)	700 FT ¹	> 700 FT	> 700 FT	
Min. Side Yard	§215-74B(4)(c)	50 FT	28.0 FT (E)	28.0 (E)	
Min. Rear Yard	§215-74B(4)(d)	50 FT	132.2 FT	143.8 FT	
Max. Building Height ²	§215-74B(4)(f)	4 Stories Over Parking	1 Story	4 Stories	
		60 FT	<60 FT	59.60 FT	
Max. Impervious Coverage	§215-74B(4)(g)	80 %	78.7 %	73.0 %	
		492,292 SF	454,951 SF	421,928 SF	
Max. Number of Units	§215-74B(2)	75 Units	N/A	75 Units	
Min. Recreational Area	§215-74B(4)(e)	5,000 SF	N/A	>5,000	
(F) = Foliable a New Conferming					

(E) = Existing Non-Conforming N/A = Not Applicable (V) = Variance Required TBD = To Be Determined

¹ The minimum front yard setback shall be 700 feet, to the property line at the Main Street right-of-way (NJ-124.

² Vertical distance to the top of the highest point of the building measured from the average elevation of the proposed finished grade at each corner of the building next to the foundation (average grade = 542.07 feet).



Review of Site Plan, Variances, and Site Plan Design Exceptions

7. Use:

- **A.** According to § 215-73D, multi-family dwellings for the provision of inclusionary affordable housing, including market-rate and affordable housing up to a maximum of 75 units is a permitted principal use within the EB-AH Zone. The Applicant is proposing a four-story multi-family residential building consisting of 75 dwelling units with a 20% affordable set-aside.
- **B.** According to § 215-73C(3), automotive service stations is a permitted principal use within the EB-AH, East Business Affordable Housing Zone. The Applicant is proposing a building consisting of premium parking and an automotive service facility. The automotive service station appears to be accessory to the premium parking which is not a principal permitted use.
 - i. The definition for automotive service station in § 215-1 is any establishment servicing motor vehicles with gas, oil, lubrication services, lubricants and other service work and vehicle maintenance supplies and parts and equipment not requiring extensive or prolonged mechanical work for installation. Service work regularly offered should be limited to oil changes, lubrication, minor tune-ups, installation of batteries, tires, wiper blades and similar equipment, wheel balancing and alignment and the replacement of minor mechanical parts, such as hoses, spark plugs, ignition wiring, points, alternators, water pumps and similar parts not requiring major engine or drivetrain dismantling.
 - **ii.** The Applicant should describe the uses proposed with the automotive service station relative to the definition above to determine if the proposed use is consistent with the definition.
 - **iii.** Further, the Applicant should describe the premium parking and how it fits into the automotive service station as it appears to be accessory to the premium parking use. The premium parking facility is not a principal permitted use.

8. Affordable Housing:

A. According to §215-74(B)(3), 20% of the total number of units actually constructed shall be affordable to low- and moderate-income households with the balance being market-rate units. No more than 50% of the market-rate units shall be two-bedroom units and no more than 50% of the remaining market rate units shall be one-bedroom units or studio units. The Applicant may include up to two (2) three-bedroom market rate units. The affordable units shall be family rental units and shall not be age restricted. The affordable units shall consist of moderate-income,



low-income and very-low-income units and the affordable units shall provide a preference for qualifying veterans. The following is a description of the unit types required for the affordable housing as shown below and deed restrictions shall be provided to the Board Attorney and Board Planner for review and filed with the County prior to any certificate of occupancy issued for any building on the subject property.

9. Development Fees:

- **A.** § 61-1, establishes standards for the collection, maintenance, and expenditure of development fees that are consistent with COAH's regulations developed in response to P.L. 2008, c. 46, Sections 8 and 32 to 38 (N.J.S.A. 52:27D-329.2), and the Statewide Non-Residential Development Fee Act (N.J.S.A. 40:55D-8.1 through 40:55D-8.7). Fees collected pursuant to this chapter shall be used for the sole purpose of providing very-low-, low- and moderate-income housing in accordance with a Court-approved spending plan.
- **B.** The Applicant shall specifically abide by § 61-3 (Residential development fees) and § 61-4 (Non-residential development fees) as well as other applicable sections with Chapter 61 of the Borough of Mendham Code.

C.

Number of Bedrooms					
Housing Type	1 BR	2 BR	3 BR	Total	
Market-Rate	30	30	0	60	
% Market Rate	50%	50%	0%	80%	
Affordable	3	9	3	15	
% Affordable	20%	60%	20%	20%	
Total Housing	33	39	3	75	
% Housing	44%	52%	4%	100%	

The Applicant is proposing 15 Affordable units which is 20% of the total units proposed. The market-rate units for both 1- and 2-bedroom units are 50% of the total units and the Applicant is proposing three (3) three-bedroom units as affordable units.

10. Minimum Side Yard Setback:

A. According to §215-74B(4)(c), a minimum single side yard setback of 50 feet is required. There is an existing non-conforming side yard setback of 28 feet and the Applicant is proposing the same.



11. Parking:

A. According to §215-74(F)(1), the following ratios shall be applicable in the EB-AH district: Retail and commercial uses shall be 3.5 for each 1,000 square feet of floor area; recreational and fitness centers shall be one space per 1,500 square feet of floor area; Residential dwellings shall use Residential Improvement Site Standards (RSIS) and Parking may be reduced in mixed-uses based on submission of a shared parking analysis per the Urban Land Institute standards if approved by the planning board.

The Applicant is proposing the following off-street parking in accordance with RSIS standards for the proposed residential component of the application:

RSIS Parking Standards					
Dwelling Unit Type	Requirement	Calculation	Total Spaces		
1-Bedroom	1.8 Spaces per Unit	1.8 Spaces x 33 Units	59.4		
2-Bedroom	2.0 Spaces per Unit	2.0 Spaces x 39 Units	78		
3-Bedroom	2.1 Spaces per Unit	2.1 Spaces x 3 Units	6.3		
	131 ³				
	133 4				

B. Effective in all New Jersey municipalities upon DCA publication on September 1, 2021, regardless of whether a municipality has adopted the Model Ordinance. Electric Vehicle Supply Equipment (EVSE) and Make-Ready parking spaces count toward minimum parking mandates, giving a two-for-one credit for the EV parking, up to 10% of the total required parking. All calculations for EVSE and Make-Ready spaces are rounded up the next full parking space. A minimum of 15% of the total required off-street spaces for multifamily residential must be EVSE, so a total of 22 EVSE spaces are required. For additional parking lots, the requirement is dependent on the number of spaces proposed. The Applicant should identify what new spaces are proposed and subject to EVSE requirements.

³ 10% reduction for EV. Without the 10% reduction, the total number of required spaces is 143.7.

⁴ Only two (2) parking spaces are counted from the auto sales & services that will be designated to employees. The remaining 38 spaces are assumed to be for auto sales and services, and as such, have not been considered.



C. The Applicant proposes the following parking proposal for the site:

Parking Schedule (Total Site)						
Use	Required Spaces	Proposed Spaces				
Retail (Existing Development)	283	341 (15 Shared)				
Parking for Proposed Development						
Residential	143.7	116 + 15 Shared = 131 Spaces				
Automobile Service Station	2	2				
10% Reduction for EV's	-14.57	21				
Total Parking (Proposed Development)	131 ⁵	133				

<u>The Applicant should describe which spaces are shared and which are dedicated to the apartment uses.</u> Additionally, location and number of EVSE spaces should be provided.

- **D.** According to §215-74(F)(2)[a], notwithstanding any provisions to the contrary contained herein, parking stalls within the EB-AH District located more than 750 feet from the front yard property line (Main Street right-of-way) may measure nine (9) feet in width and 20 feet in depth.
 - i. The Applicant is proposing parking stall sizes of 9 feet by 18 feet. A variance pursuant to N.J.S.A. 40:55D-70c is required for proposed non-residential or shared spaces.
- **E.** According to § 195-45(B)(2), off-street parking shall not be located in a required front yard, except where the required front yard exceeds 20 feet. Parking shall be permitted in an area located 20 feet or more from the street right-of-way line, provided that not more than 1/2 of the required front yard setback area is utilized for parking.
- **F.** According to § 195-45(B)(3), any parking area located between the principal building and the minimum front yard setback shall be landscaped or screened. No off-street parking area shall be located closer than five feet to any side or rear lot line or closer than 25 feet to a residential zone. These conditions shall apply to all surface and above-grade parking facilities. There is an existing non-conforming off-street parking area located closer than 25 feet from a residential zone which does not affect the proposed improvements to the site.
- **G.** According to § 195-45(B)(4), all parking facilities shall not be located closer than 25 feet to any two intersecting streets or within the sight triangle of any driveway and the street right-of-way. There is no change to the existing condition.

⁵ Calculation: 145.7 Spaces x 10% = 14.57 Spaces; 145.7 – 14.57 = 131.13 Spaces = 131 Spaces Total



- **H.** According to § 195-45C(1)(b), only one-way traffic shall be permitted in aisles less than 24 feet. The minimum aisle widths for 60-degree and 90-degree angle parking are 18 feet and 24 feet respectively. The Applicant is proposing drive aisles with widths of 18 feet and 24 feet for 60- and 90-degree parking spaces.
- I. According to §195-45(D)(2)[a], the minimum sight distance for a 35 miles per hour roadway is 325 feet. The Applicant indicates that there will be no work on the existing driveways on-site and is reflecting no changes to the existing condition.
- J. According to §195-45(D)(4), no part of any driveway shall be located closer than 20 feet to any other driveway on an adjoining parcel, nor shall more than one driveway be located closer than 40 feet to another driveway on the same site as measured from the closest edge of any two driveways along the same right-of-way line. There is an existing non-conforming driveway on the northernmost driveway where the driveway is located closer than 20 feet from the adjoining parcel.
- **K.** According to § 195-45K(1), granite curbing is required along the perimeter of any interior planted area and on the interior side of any required planted buffer area. Curbing in any other area shall also be granite block curbing. The Applicant is proposing granite block curbing.

12. Off-Street Loading Requirements:

- A. According to § 195-46A, in any district, in connection with every building or building group or part thereof hereinafter erected which is to be utilized by commercial uses or requires the distribution by vehicles of material or merchandise and for any residential development containing 30 or more dwelling units, and for large-scale public and quasi-public uses, there shall be provided and maintained, on the same zone lot with such building. A minimum of one (1) loading space is required for the proposed residential development and a minimum of two (2) loading spaces are required for 80,615 square feet of retail space. The Applicant is proposing one (1) loading space for the proposed multifamily residential building and will maintain the two (2) existing loading spaces for the on-site retail component, resulting in three (3) spaces provided altogether.
- **B.** According to § 195-46B, each such loading space shall not be less than 12 feet in width and 35 feet or more in length, depending upon the functions to be performed. The overall floor to ceiling height or clear height distance shall not be less than 12 feet, which may be increased where required. The proposed loading space for the residential use is 24 feet by 90 feet.
- C. According to § 195-46C, except for required buffer areas, each such loading space may occupy any required side or rear yard, but shall not be located in the



- required front yard. When adjoining a residential use, institutional use or place of general assembly, a suitably screened or landscaped buffer shall be provided. The proposed loading spaces are located in a side and rear yard and is not adjoining a residential use.
- D. According to § 195-46D, off-street loading spaces shall not be located within any fire prevention zone, within 25 feet of any fire hydrant or within 10 feet of any stairway, doorway, elevator or other general means of entry to and from a building for the general public nor shall it block or in any way interfere with the free flow of pedestrians from any means of ingress or egress nor shall it interfere with the free flow of pedestrians or vehicles. All such loading spaces shall be appropriately indicated by sign or other visual communications as to said location. The loading zone is not located in a fire prevention zone, within 25 feet of a fire hydrant or within 10 feet of any general means of entry to and from the building for the general public.
- **E.** According to § 195-46E, all loading and unloading operations shall be conducted entirely within the boundaries of the lot concerned, and no vehicle or conveyance shall in any manner use public streets, sidewalks or rights-of-way for loading or unloading operations other than ingress or egress to the lot. All loading and unloading activities will be on site.
- **F.** According to § 195-54(C)(1), a minimum of 1% of the total number of parking spaces but not less than two parking spaces shall be designated for physically handicapped persons. Said spaces shall be most accessible and approximate to the building or buildings which the parking space shall serve. The Applicant is proposing seven (7) handicapped compliant spaces which are accessible to the proposed buildings.
- **G.** According to § 195-54(C)(2), each space or group of spaces shall be identified with a clearly visible sign displaying the international symbol of access, along with the following wording: "These spaces reserved for physically handicapped drivers."
- **H.** According to § 195-54(C)(3), each space shall be 12 feet wide to allow room for persons in wheelchairs or on braces or crutches to get in and out of either side of an automobile onto level, paved surface suitable for wheeling and walking. The Applicant is providing at least 12 feet of space around the proposed handicapped spots.

13. Traffic and Circulation:

A. The Traffic Impact Study prepared by Stonefield Engineering and Design, dated October 20, 2022, provides a review of the existing and proposed vehicular trip



generation for the site for weekday morning and evening peak hours as well as Saturday midday peak hours.

Land Use	Weekday Morning Peak Hour		Weekday Evening Peak Hour		Saturday Midday Peak Hour				
	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total
Existing 6 Court Racquet / Tennis Club ITE Land Use 49	1	1		12	11	23	12	11	23
<u>Proposed</u> 75-Unit Apartment ITE Land Use 22	6	22	28	18	11	29	15	14	29
<u>Proposed</u> Trip Increase	+6	+22	+28	+6	+0	+6	+3	+3	+6
Existing Site Trip Generation	119	123	242	212	278	490	188	251	439
Total Proposed Site Trip Generation	125	145	270	218	278	496	191	254	445

The amount of additional traffic generated according to the report will not have a significant impact on the existing traffic of the adjacent roadway network. <u>This</u> complies.

B. The Applicant also provides turning movements for access and movement of a WB-67 – interstate semi-trailer sized truck and movements for a fire truck in which both are provided adequate room and dimensions to execute movements within the site. Testimony shall be provided regarding ample access and movement for garbage truck collection.

14. Lighting:

- **A.** According to § 195-47A(1), the style of the light and light stanchion shall be consistent with the architectural style of the principal building. All lighting matches the style of the architectural styles of the principal buildings.
- **B.** According to § 195-47A(2), the maximum height of freestanding lights shall not exceed the height of the principal building or 25 feet, whichever is less. The Applicant is proposing a mounting height of 25 feet.
- **C.** According to § 195-47A(3), where lights along property lines would be visible to adjacent property, the lights shall be appropriately shielded. The Applicant is proposing proper shielded of the lights.
- **D.** According to § 195-47A(4), spotlight-type fixtures attached to buildings shall be avoided, except where property screened from adjacent properties. All spotlight



- type fixtures proposed are properly shielded where they are needed to provide proper lighting.
- **E.** According to § 195-47A(5), freestanding lights shall be so located and protected to avoid being damaged by vehicles. All freestanding lights are located in areas that are not accessible by vehicles.
- **F.** According to § 195-47A(6), lighting shall not be permitted which requires flashing or intermittent illumination. Lighting which requires change in color, intensity or hue shall likewise be prohibited. All sign lighting shall be by white light only. Said lighting shall in no way interfere with, detract from or diminish in any way the effectiveness of any traffic signal or similar safety device. All proposed lighting is designed for steady illumination with no flashing or intermittent illumination and will be of white light only.

15. Landscaping and Buffers:

A. According to § 195-48A, a landscaping plan shall be submitted with each site plan application. The plan shall identify existing and proposed trees, shrubs, bushes, plant material, ground cover and natural features, such as boulders and rock outcroppings, and their size. The Applicant is proposing the following planting materials:

Туре	Common Name	Quantity	Total		
	Prairie Crabapple	12			
Trees	Black Cherry	42	74		
	Greenspire Littleleaf Linden	20			
Evergreen Trees	American Holly	6	6		
	Red Twig Dogwood	12			
	Nikko Blue Hydrangea	45			
	Oakleaf Hydrangea	18			
Shrubs	Virginia Sweetspire	ia Sweetspire 45 4			
	Boston Ivy	6			
	Dora Amateis Rhododendron	dendron 271			
	Arrowwood Viburnum	49			
	Inkberry Holly	389			
Evergreen Shrubs	Mountain Laurel 54 4				
	Rose Bay	30			
Shrub Areas	Butterfly Milkweed	118			
	Dwarf Yellow Daylily	1,226	1 749		
	Blue Flag	232	- 1,768 -		
	Switch Grass	192			

B. According to § 215-74C, any proposed development shall maintain a 30-foot buffer from where the East Business Affordable Housing Zone abuts any residential



zone, but existing improvements, roadways or structures located within said buffer shall be exempted from this requirement. The proposed development is 83.2 feet from the neighboring ¼ Acre Residential Zone to the southwest and 145.2 feet from the neighboring ¼ Acre Zone to the north. Furthermore, the development area is surrounded by an existing tree line and a proposed screened landscaped buffer consisting of a myriad of trees and shrubs. The Applicant should describe all buffers and testify to the level of year-round screening provided.

16. Solid Waste:

A. According to §195-51A, provision shall be made for the proper storage and collection of refuse. All such storage shall be maintained within the confines of an enclosed building or structure and shall be reasonably accessible for vehicular collection on the site or shall be appropriately screened and landscaped where outdoor storage is necessary. The Applicant is proposing to dedicate a room in the parking garage for the collection and storage of refuse with access to the loading area. This complies; however, testimony shall be provided to confirm vehicular accessibility.

17. Signage:

A. According to § 215-8D, E, and G, there are multiple requirements for signage. No signs are proposed at this time; however, the Applicant should provide testimony as to what signage may be anticipated in conjunction with the type of business proposed with the automobile service and premium parking.

18. Fences and Walls:

- **A.** According to § 215-29B(2), a fence equal to or in excess of 2 ½ feet in height, but not to exceed four (4) feet in height, may be constructed in any front yard or any yard that abuts either a public or private street, provided that it is not solid and that at least 20% of the overall area of the entire fence, uniformly distributed, both horizontally and vertically throughout the fence area, is open.
 - i. The Applicant is proposing a split rail fence around the southern side and rear perimeter of proposed residential building. Testimony shall be provided confirming the height of the fence. Otherwise, a variance pursuant to <u>N.J.S.A.</u> 40:55D-70c may be required.
 - ii. The Applicant is proposing block walls in the northern and southern side yards along drive aisles and off-street parking spaces. Testimony shall be provided confirming the height of the walls. Otherwise, a variance pursuant to <u>N.J.S.A.</u> 40:55D-70c may be required.



Criteria for Granting "C" Variances:

- **19.** Variances can be granted by the Board, pursuant to <u>N.J.S.A.</u> 40:55D-70c where two (2) provisions exist:
 - **A.** The first provision for granting a "c" variance is under N.J.S.A. 40:55D-70(c)(1) where the Board must find whether there has been a showing of peculiar exception practical difficulties or exception undue hardship arising out of the exceptional narrowness, shallowness, or shape of piece of property, or by reason of an extraordinary and exceptional situation uniquely affecting this specific piece of property or the structures uniquely affecting this specific piece of property or the structures lawfully existing thereon. The two-part negative criteria must also be addressed.
 - **B.** The second provision for granting a "c" variance is under N.J.S.A. 40:55D-70(c)(2) where the Board must find that the application related to a unique situation on a specific piece of property, that the purposes of the MLUL (**Appendix A**) would be advanced by the requested deviation, that the variance can be granted without substantial detriment to the public good, that the benefits of granting the variance outweigh any detriments and the variance will not substantially impair the zone plan or ordinance. Under (c)(2), the **Applicant should show that the proposal is a better zoning alternative to that which is permitted by the ordinance and provides benefits to the community as a whole, not just the Applicant**. The two-part negative criteria must also be addressed.

Very truly yours,

Jessica C. Caldwell, P.P., A.I.C.P, L.E.E.D. - G.A.

J. Caldwell & Associates, LLC

Borough of Mendham Joint Land Use Board Planner

cc: Via-Email Only:

Lisa Smith, Land Use Coordinator Tom Germinario, Esq., Board Attorney Paul Ferriero, PE, PP, CME, Board Engineer John P. Inglesino, Esq., Applicant's Attorney



<u>Appendix A</u>

Purposes of the Municipal Land Use Law (N.J.S.A. 40:55D-2)

- **a.** 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;
- **b.** To secure safety from fire, flood, panic and other natural and man-made disasters;
- c. To provide adequate light, air and open space;
- **d.** 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;
- **e.** To promote the establishments of appropriate population densities and concentrations that will contribute to the well-being of persons, neighborhoods, communities and regions and preservation of the environment;
- **f.** To encourage the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies;
- **g.** 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 New Jersey citizens;
- **h.** To encourage the location and design of transportation routes which will promote the free flow of traffic while discouraging location of such facilities and routes which result in congestion or blight;
- i. To promote a desirable visual environment through creative development techniques and good civic design and arrangement;
- j. 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;
- **k.** To encourage planned unit developments which incorporate the best features of design and relate the type, design and layout of residential, commercial, industrial and recreational development to the particular site;
- 1. To encourage senior citizen community housing construction;
- **m.** To encourage coordination of the various public and private procedures and activities shaping land development with a view of lessening the cost of such development and to the more efficient use of land;
- **n.** To promote utilization of renewable energy resources; and
- **o.** To promote the maximum practicable recovery and recycling of recyclable materials from municipal solid waste through the use of planning practices designed to incorporate the State Recycling Plan goals and to complement municipal recycling programs.