

**BOROUGH OF MENDHAM  
JOINT LAND USE BOARD  
SPECIAL MEETING  
MINUTES  
Tuesday, March 3, 2026 7:00PM  
Grace Lutheran Church  
65 East Main St., Mendham, NJ**

**CALL TO ORDER & FLAG SALUTE**

The Special meeting of the Mendham Borough Joint Land Use Board was called to order at 7:00 p.m., and the open public meeting statement was read into the record.

**CHAIR'S OPENING STATEMENT**

The Chair stated that "Notice of this meeting was published in the Star Ledger and the Daily Record and was posted in the Bowers Building in accordance with the Open Public Meetings Act and furnished to all those who have requested individual notice and have paid the required fee." MEMBERS OF THE PUBLIC WHO WISH TO CONDUCT VIDEO RECORDING OF ANY PORTION OF TONIGHT'S MEETING SHOULD MAKE THIS KNOWN TO THE BOARD SECRETARY IN ADVANCE AND RESTRICT THEIR RECORDING ACTIVITIES TO A LOCATION DESIGNATED BY THE BOARD FOR THIS PURPOSE.

**ROLL CALL**

Mr. Neff – Present  
Ms. Bushman – Not Present  
Councilmember Traut – Present  
Mr. Pace – Present  
Mr. Sprandel – Not Present  
Mr. D'Urso– Present  
Mr. Kay – Present  
Ms. Garbacz – Present  
Mr. Molnar –Present  
Mr. Heller – Alternate 1 -Present  
VACANT- Alternate 2  
Mr. Benigno– Alternate 3- Present  
Mr. Chambers– Alternate 4 – Present

**PUBLIC COMMENT**

Chairman D'Urso opened the floor to the public for questions and comments on matters listed on the agenda. No one wished to speak. Chairman D'Urso recused himself, and Mr. Molinar assumed the role of Chair for the remainder of the meeting.

**.RESOLUTION**

- a. **28-25 Lawrence Straub & Tracy Beder  
8 Hillcrest Ave.  
Block 602 Lot 12**

Motion was made by Ms. Traut, seconded by Mr. Kay, and unanimously carried by voice vote to approve.

Roll Call:

In Favor: Councilmember Traut, Mr. Pace, Mr. Kay, Ms. Garbacz, Mr. Molnar, Mr. Heller, Mr. Benigno, and Mr. Chambers.

Opposed:

Abstain: Mr. Neff, Mr. Sprandel, Mr. D'Urso

## **DISCUSSION ITEMS**

JLUB Attorney Mr. Germinario noted that four items were originally scheduled: the Fourth Round Housing Element and Fair Share Plan Amendment, the 2026 Master Plan Reexamination Report, and Master Plan consistency reviews for two ordinances. The Bernardsville Road Affordable Housing Overlay Zone ordinance 01-2026 will be carried to a future meeting. The Board proceeded with the consistency review for Ordinance 02-2026 (Affordable Housing Development Fees). Public comment will be permitted on the Housing Element/Fair Share Plan and the Master Plan Reexamination Report, but not on Ordinance 02-2026.

The Board Planner, Jessica, then provided an overview. The Borough previously adopted its Fourth Round plan in June 2025 to meet court deadlines, after which two challenges were filed—one by Accordia and one by Fair Share Housing Center. The Borough has been working through the dispute resolution process, resulting in an amended plan now before the Board for adoption. The Planner reviewed the updates to the Fair Share Plan, including adjustments to third-round credits, responses to objections, and revised allocations for fourth-round obligations based on available sewer capacity. The Master Plan Reexamination Report reflects these required changes and recommends adoption of the amended Housing Element, Fair Share Plan, and implementing ordinances.

## **PUBLIC COMMENT**

Gail Wragg, 425 Bernardsville Rd questioned the timing of the overlay zoning ordinance, why it was introduced before the Board's consistency review, and why zoning changes were occurring without a filed application or public review of the conceptual plan. She urged consideration of long-term land-use impacts.

The Planner explained that ordinances are introduced before consistency review, which occurs before second reading; the Board postponed the review due to court direction. Zoning must be in place before an application is filed, and a conceptual plan exists through the Mount Laurel settlement. The ordinance will not be adopted until the Board reviews the revised version.

Bob Ritger, 14 Gunther St asked for clarification on statements in the Reexamination Report regarding Highlands Plan Conformance, noting inconsistencies about whether the Borough was still "considering" conformance or had already moved forward. He also asked about references to Hilltop School as a potential housing site and raised the need for an accessory dwelling unit (ADU) ordinance, offering to assist.

The Planner explained that the Borough's petition for Highlands Plan Conformance has been approved, and the report can be updated to reflect that the Borough is now moving forward. Prior references to Hilltop School were older concepts no longer under consideration. Regarding ADUs, the Planner noted challenges with affirmative marketing and required subsidies but agreed the idea has merit.

William Ju, 435 Bernardsville Rd asked for clarification on whether the Master Plan Reexamination Report was being adopted that evening and how it relates to Ordinance 2026-01. He questioned how the overlay zone could proceed before the ordinance is adopted and whether infrastructure issues such as traffic, stormwater, water, and sewer should be addressed within the Master Plan.

The Planner explained that the Board was adopting the Master Plan Reexamination Report and the updated Housing Element/Fair Share Plan, and that ordinances are adopted afterward to implement the plan. She noted that traffic is not a required Master Plan consideration, but water and sewer capacity are reviewed at a preliminary level. Detailed issues, such as stormwater, are addressed later during site plan review. She also clarified that sewer capacity for the Bernardsville Road site would rely on a DEP-approved package treatment plant and that additional environmental and Highlands-related reviews occur during outside agency approvals once zoning is in place.

Loren Laguerre, 14 Ballbrook Drive, questioned the proposed Bernardsville Road Affordable Housing Overlay, asking what planning findings support allowing up to 150 units, how the overlay advances the

purposes of the Municipal Land Use Law, and whether the recommendation is based on independent planning analysis or solely on maintaining immunity. She stated that without clear independent findings, she objects to adoption as procedurally incomplete and urged the Board to consider long-term planning impacts.

Leslie Payne, 10 Drake Rd Ms. Payne asked what the proposed housing overlays at the MASH site and the Jockey Hollow Office Park would allow, whether they meant additional building levels or expanded development, and how nearby neighborhoods would be protected. She expressed concern about adopting overlays that were not yet fully defined.

The Planner explained that the Jockey Hollow overlay would allow up to seven units per acre with a 20% affordable set-aside, while the MASH proposal is a municipally sponsored 100% affordable project still in conceptual planning. The Jockey Hollow overlay has not yet been fully designed but could allow added units or second-level additions. Further details would be developed through zoning and future applications.

John Lundenberg, 180 Thomas Rd asked whether the Reexamination Report evaluated significant post-2020 changes as required by statute, including updated Highlands considerations, environmental conditions, infrastructure capacity, and traffic. He also asked how much time the Board had to review the report before the meeting. He emphasized that his concern was ensuring the planning foundation for rezoning is complete and defensible.

Bennett Schwartz, 4 Cromwell Lane asked whether the Board evaluated the historic status of the Motherhouse before enabling demolition under Ordinance 01-2026. He also questioned whether required county referrals and statutory review periods had been completed and objected to adoption if procedural steps were not fully satisfied.

Susan McCloud, 20 Galloway Drive expressed concern that the public had not been able to vote on or fully understand the proposed land-use changes. She questioned whether traffic, stormwater, wastewater, and environmental impacts had been adequately evaluated at the Master Plan stage and raised concerns about safety, neighborhood character, and historic preservation. She objected to proceeding without clearer analysis and public involvement.

Gerald Gorman, 415 Bernardsville Rd, expressed concern that allowing large-scale development to produce the required affordable units would significantly increase the Borough's overall housing stock, potentially by 40%, and alter the town's character. He urged the Board to seek alternatives that meet affordable housing obligations without "massively urbanizing" the community.

Nancy Hellriegel, 12 Knollwood Dr stated that key documents, including the Reexamination Report and overlay information, were difficult for the public to locate on the Borough website. She requested clearer communication, timely email notifications, and better public access to materials and agenda changes.

John Flower, 360 Cherry Lane, shared broader concerns about the scale and placement of proposed development, noting that high-density housing on the outskirts of town conflicts with traditional planning principles that concentrate density near the center. He questioned the rationale behind the overlay's location and urged a more cohesive planning approach.

Loren Laguerre, 14 Ballbrook Drive, questioned the Planner's statement that traffic is not considered at the Master Plan stage, expressing strong concern that a 150-unit development at the Sisters of Christian Charity site would overwhelm Hilltop Road, Bernardsville Road, and surrounding streets. She described current traffic issues, lack of public transportation, expected vehicle volume, construction impacts, and broader strain on schools, emergency services, and infrastructure. She also criticized the lack of transparency and communication with residents.

The Planner explained that traffic is not a required consideration in the Master Plan or affordable housing planning process. Traffic impacts are evaluated later during site plan review, where access, intersections, and roadway function are analyzed.

Gary Gaglione, 20 Gallway Drive stated that residents are not opposed to affordable housing but are frustrated by the lack of apparent alternatives to large-scale developer-driven projects. He asked whether the Borough could take a more proactive role—such as building required affordable units itself—to avoid large increases in total housing density.

Jim Thomas, 230 Thomas Rd a lifelong resident, expressed that the town already feels overcrowded and that most residents do not want the proposed development. He urged the Board to represent the community's wishes and oppose projects that significantly change the town's character.

Gail Wragg, 415 Bernardsville Rd emphasized that residents support affordable housing but feel the current process is being driven by builders and court pressure rather than by the town's own planning analysis. They urged the Board to pause, use the extra time now available, and proactively study alternative locations that could meet affordable housing obligations while preserving community character and open land. They argued that decisions appear to be dictated by developers rather than by thoughtful local planning and asked the Board to explore better solutions before moving forward.

Susan McCloud, 20 Galloway Drive questioned whether the Board was acting independently or simply responding to settlement pressure. She asked what planning findings justify the proposed density, how the plan addresses conservation and public safety, and what alternatives were evaluated. She emphasized serious concerns about fire-response access, noting that increased traffic could prevent emergency vehicles from reaching the Sisters of Christian Charity site in time.

Loren Laguerre, 14 Ballbrook Drive, stressed that fire safety and emergency access are being overlooked, arguing that heavy traffic on Hilltop Road and Bernardsville Road could prevent fire trucks, ambulances, and police from reaching a 150-unit development at the Sisters of Christian Charity site in time. She described this as a life-and-death issue and urged the Board to apply "common-sense, practical" judgment rather than allowing decisions to be rushed or dictated by outside pressures.

The Borough professionals explained that detailed evaluations of traffic, emergency access, and public-safety impacts occur during the site plan review stage, not at the Master Plan level. They noted that prior applications (such as V-Fee) included traffic studies and that future developers will be required to provide new studies. They emphasized that emergency-access and safety requirements will be fully reviewed once a formal development application is submitted.

Maria Cecilia Dupart, 106 Dean Rd asked for clarification about traffic review, noting that earlier projects (like Kings/V-Fee) included traffic studies. She wanted to understand why no traffic study exists now and whether one will be required. She suggested the Borough consider conducting its own neutral, town-wide traffic study rather than relying solely on a developer's analysis.

The planner confirmed that traffic studies are not done at the Master Plan stage. A full traffic study is required later, when a developer submits a formal site plan application. At that time, the developer must provide a study, and residents may also hire their own independent traffic expert, as occurred during the V-Fee hearings.

William Ju., 435 Bernardsville Rd asked whether the Master Plan Reexamination should be delayed, noting that key issues such as water, sewer, habitat impacts, and the applicability of older reports—had not been fully evaluated due to time pressure. She expressed concern that approving the reexamination now would lock in assumptions that may no longer be valid and then be used to justify Ordinance 01-2026. With the court deadline extended, she urged the Board to slow the process so decisions are not made "under the gun."

Borough representatives clarified that the judge's extension applied only to the Bernardsville Road ordinance, not to the Master Plan amendments or consistency review. Those items still must proceed on the original schedule. They acknowledged the value of the public's comments but explained that the extension does not provide additional time for the Master Plan process.

Leslie Payne, 10 Drake Rd asked whether the Master Plan could include limits, guardrails, or parameters

related to traffic and public safety, even if detailed studies are not yet available. She questioned why broader infrastructure considerations—such as roadway capacity and safety—could not be incorporated at the Master Plan level.

Borough professionals explained that the Master Plan can only address traffic and safety at a conceptual, high-level scale, primarily by determining whether a site is generally suitable for development. Detailed traffic, safety, and infrastructure analyses require technical studies and are conducted later, during the site plan review phase, once a specific development application is submitted. They emphasized that while the Master Plan can acknowledge these issues, it cannot impose detailed traffic limitations without the underlying studies.

Gary Gaglione, 20 Gallway Drive, an EMS volunteer, explained that increasing traffic will directly affect emergency response times because volunteers must first reach the station before ambulances or fire trucks can deploy. He noted that during certain times of day he already cannot reach the station within the required five minutes, and additional large developments would worsen delays and potentially require paid, 24/7 staffing. He also stated he will submit concerns about errors and omissions he identified in the V-Fee traffic study.

Suzie Asede, 8 Horseshoe Bend Lane asked whether the Board would treat the application differently if it did *not* include affordable housing, noting that developers can use affordable units to justify much larger projects. She questioned whether the Borough had fully explored other locations for the required affordable units and suggested sites such as St. Joseph's School.

Borough Professionals stated that without affordable housing, the application would be approached differently, because affordable housing obligations create legal exposure to builder's remedy lawsuits if unmet. They outlined the Borough's efforts to pursue alternatives, including 100% affordable projects, senior housing at MASH, and extensions of expiring controls. They noted that many parcels are environmentally constrained or lack sewer capacity, limiting viable options. St. Joseph's School, for example, has no available sewer capacity, making it unsuitable. They added that sites like the Sisters of Christian Charity must demonstrate their own wastewater capacity to proceed.

Flor Thomas, 230 Thomas Rd, questioned why the proposed developments rely so heavily on rental units, expressing concern that rentals could make the town more transient and weaken community character. She asked why the Borough could not require ownership units instead. Another resident asked whether all 150 units at the Sisters of Christian Charity site would be affordable or only a portion.

The professionals explained that state affordable-housing rules require municipalities to meet several sub-obligations, including that at least 25% of affordable units must be rentals and at least 50% must be family units, with limits on how many may be age-restricted. They also noted that the Borough cannot dictate whether a private developer builds rental or for-sale units. The professionals clarified that the Sisters project is an inclusionary development, meaning only a percentage of the units are affordable, with the remainder market-rate.

John Flower, 360 Cherry Lane, questioned why only 20% of the Sisters' 150-unit development would be affordable housing and asked why the Borough did not pursue a fully affordable project, especially given the potential impact on the community. He expressed concern about the financial burden of additional schoolchildren from 150 rental units and asked what would happen if the Planning Board rejected the Master Plan amendment. He also asked whether the Sisters could return with another large development on the remaining portion of their property.

The professionals explained that only 20% affordable units are required under state rules and that a 100% affordable project is only possible when the municipality controls the site, has a developer and funding secured, and can produce a shovel-ready plan—conditions not met here because the Sisters have partnered with a private developer. They emphasized that land negotiations fall under the Governing Body, not the Planning Board. They warned that rejecting the Master Plan amendment would expose the Borough to builders remedy lawsuits and potentially much higher densities. They added that the Sisters retain part of

their property, and any future development would require compliance with existing zoning or a new rezoning process.

Rusha Patel of 201 Pleasant Valley Road asked how the proposed Master Plan amendment interacts with the Sisters of Christian Charity's tax-exempt status. She noted that the Sisters are currently exempt as a religious organization and questioned whether indicating future, potentially for-profit development on their property would affect that exemption. She also asked whether the Borough was evaluating this issue and whether the Planning Board had any role in that determination.

The professionals responded that the Sisters' tax-exempt status applies as long as the property is used for religious purposes, and that future development could potentially affect that status. They stated they did not know whether the Borough was reviewing the matter and clarified that the Planning Board does not handle tax-exemption issues. The exchange concluded with the chair moving on to Board discussion.

**b. Adoption of the 4th Round Housing Element and Fair Share Plan Amendment.**

Motion was made by Ms. Traut, seconded by Mr. Kay, and unanimously carried by voice vote to approve the Adoption of the 4th Round Housing Element and Fair Share Plan Amendment.

Roll Call:

In Favor: Mr. Neff, Councilmember Traut, Mr. Pace, Mr. Kay, Ms. Garbacz, Mr. Molnar, Mr. Heller, Mr. Benigno, and Mr. Chambers.

Opposed:

Abstain: Mr. Sprandel, Mr. D'Urso, Ms. Garbacz, and Mr. Chambers

**c. Adoption of the 2026 Master Plan Reexamination Report.**

Motion was made by Ms. Traut, seconded by Mr. Kay, and unanimously carried by voice vote to approve the Adoption of the 2026 Master Plan Reexamination Report.

Roll Call:

In Favor: Councilmember Traut, Mr. Pace, Mr. Kay, Ms. Garbacz, Mr. Molnar, Mr. Heller, Mr. Benigno, and Mr. Chambers.

Opposed:

Abstain: Mr. Neff, Mr. Sprandel, Mr. D'Urso, Ms. Garbacz, and Mr. Chambers

**d. Master Plan Consistency Review of the Proposed New Ordinances:**

• **Ordinance 01-2026**

- **AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 215 "ZONING" OF THE CODE OF THE BOROUGH OF MENDHAM TO ADD A NEW ARTICLE XXI entitled "Bernardsville Road Affordable Housing Overlay Zone" TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND TO COMPLY WITH THE BOROUGH'S ROUND FOUR AFFORDABLE HOUSING OBLIGATIONS**

**Tabled Ordinance 01-2026**

• **Ordinance 02-2026**

- **AN ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY REPEALING AND REPLACING CHAPTER 60 "AFFORDABLE HOUSING" AND REPEALING CHAPTER 61 "DEVELOPMENT FEES" OF THE CODE OF THE BOROUGH OF MENDHAM TO ADDRESS THE REQUIREMENTS OF THE FAIR HOUSING ACT AND TO COMPLY WITH THE BOROUGH'S ROUND FOUR AFFORDABLE HOUSING OBLIGATIONS**

Motion was made by Ms. Traut, seconded by Mr. Neff, and unanimously carried by voice vote to approve.

Roll Call:

In Favor: Mr. Neff, Councilmember Traut, Mr. Pace, Mr. Kay, Ms. Garbacz, Mr. Molnar, Mr. Heller, Mr. Benigno, and Mr. Chambers.

Opposed:

Abstain: Mr. Sprandel, Mr. D'Urso, Ms. Garbacz, and Mr. Chambers

## **ADJOURNMENT**

There being no additional business to come before the Board, a Motion was made by Council Member Traut and seconded by Mr. Kay. On a voice vote, all were in favor. Mr. Molinar adjourned the meeting at 9:06 pm.

**The next scheduled regular meeting of the Joint Land Use Board is Tuesday, March 17, 2026, 2025 at the GRACE LUTHERAN CHURCH, 65 EAST MAIN ST., Mendham, NJ**

**Respectfully Submitted,**

*Lauren McBride, RMC*  
**Borough Clerk**