

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

RESOLUTION #089-2025

**RESOLUTION OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY,
OPPOSING LEGISLATION THAT PERMITS ACCESSORY DWELLING UNITS**

WHEREAS, New Jersey has long prided itself on maintaining the principles of home rule, which has provided our residents with the most meaningful direct access to democratically elected officials through strong local governments; and

WHEREAS, municipalities represent the form of government that is closest to the people, and the immediacy of governance at the local level brings a distinctive responsiveness and ability to shape policy to respond to the particular needs of communities; and

WHEREAS, local control and decision-making empower the residents and taxpayers of each municipality to carefully tailor local policies that reflect its unique geography, economy, beliefs and priorities; and

WHEREAS, legislation that would permit Accessory Dwelling Units (ADUs) and permit property owners to develop ADUs on their property is inconsistent with the principles of the New Jersey Municipal Land Use Law; and

WHEREAS, the Assembly Committee Substitute (ACS) for A-2792, A-4370, and A-2489 undermines the careful planning municipalities engage in and routinely update; and

WHEREAS, municipalities already have the authority to permit ADUs and this legislative proposal undermines municipal land use planning where ADUs are inconsistent with the land use planning due to a variety of factors including availability of water, sewer capacity, parking, and infrastructure; and

WHEREAS, this legislation and the erosion of local autonomy threatens to undermine home rule that is critical for local officials to adopt policies that are the most beneficial to the community and that our residents have long come to expect from their municipal governments; and

WHEREAS, the New Jersey Senate favorably acted on this legislation in February.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Borough Council of the Borough of Mendham, County of Morris, State of New Jersey, hereby urges the Legislature to reject ACS 2792, A-4370, and A-2489 and preserve local autonomy in municipal planning to develop Accessory Dwelling Units if and where a municipality sees fit; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to Senator Anthony M. Bucco, Assemblymembers Christian E. Barranco and Aura K. Dunn, Senate President Nicholas Scutari, Assembly Speaker Craig Coughlin, the Lieutenant Governor Tahesha Way, Governor Phillip Murphy, and the New Jersey State League of Municipalities.

This Resolution shall take effective immediately.

Dated: April 28, 2025

ATTEST

BOROUGH OF MENDHAM

Lauren McBride, Acting Borough Clerk

James R. Kelly, Mayor

I, Lauren McBride, Acting Clerk of the Borough of Mendham, in the County of Morris, in the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Mayor and Council of the Borough of Mendham at a meeting held on April 28, 2025.

Lauren McBride, Acting Borough Clerk