

**BOROUGH OF MENDHAM
JOINT LAND USE BOARD
REGULAR MEETING AGENDA
Tuesday, June 17, 2025 7:30PM
Garabrant Center
4 Wilson St, Mendham, NJ**

I. CALL TO ORDER & FLAG SALUTE

II. CHAIR'S OPENING STATEMENT

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.

III. ROLL CALL

IV. APPROVAL OF MINUTES

- a. December 17, 2024
- b. January 21, 2025 Tabled until the July 15, 2025 Regular Meeting
- c. January 29, 2025 Tabled until the July 15, 2025 Special Meeting
- d. February 18, 2025 Tabled until the July 15, 2025 Regular Meeting
- e. March 18, 2025 Tabled until the July 15, 2025 Regular Meeting
- f. May 20, 2025 Tabled until the July 15, 2025 Regular Meeting

V. PUBLIC COMMENT

This is an opportunity for the public to comment on any matter or concern that is not on the agenda or any application pending before the Board. To ensure that every citizen has an opportunity to speak, the Chair will recognize the individual and ask them to state and spell their name and address for the record. The speaker does not need to provide their address if they have been verified by the Office of Information Privacy as a covered person in the Borough, under Daniel's Law. Speakers are asked to limit their comments to five minutes.

VI. NEW BUSINESS

VII. DISCUSSION ITEMS:

- a. Mendham Borough Master Plan Reexamination Report

VIII. HEARINGS

- a. 06-25 Nicholas and Carolyn Syris
13 Phoenix Dr.
Blk 701 Lot 14
- b. Housing Element And Fair Share Plan and Master Plan Reexamination Report

At the hearing portion of the meeting, the public will have an opportunity to ask questions at the end of this portion of the meeting. When called on to step forward to the microphone, please state and spell your name and address clearly for the record. If you are registered as a covered person through the Office of Information Privacy, do not provide your address. Questions are limited to 3 minutes per individual and one question per person. After the application presentation is completed, the public will have the opportunity to comment on or present evidence, subject to the same rules.

IX. RESOLUTIONS

- a. 06-25 Nicholas and Carolyn Syris
13 Phoenix Dr.
Blk 701 Lot 14
- b. 07-25 Edward Thomas
298 Thomas Rd
Blk 1801 Lot 38
- c. Resolution Adopting Housing Element and Fair Share Plan and Master Plan Reexamination Report

The next scheduled Regular Meeting of the Joint Land Use Board is
Tuesday, July 15, 2025 at 7:30pm in the
Garabrant Center, 4 Wilson St, Mendham, NJ

**2025 Master Plan Reexamination Report
Mendham Borough
Morris County, New Jersey**



Mendham Borough Joint Land Use Board

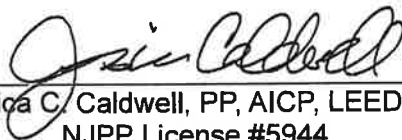
James R. Kelly, Mayor, Class I
Joyce Bushman, Administrator, Class II
Alexandra Henry Traut, Councilperson, Class III
Joe D'Urso, Class IV
John Egerter, Class IV
Marie Rose Garbacz, Class IV
James Molnar, Class IV
Richard Smith, Class IV
Dave Sprandel, Class IV
Keith Kay, Alternate #1
Richard Pace, Alternate #3
Jim Chambers, Alternate #4

Lisa Smith, Planning & Land Use Coordinator
Thomas Germinario, Esq., Board Attorney
Paul Ferriero, P.E., Board Engineer
Jessica Caldwell, P.P., A.I.C.P., Board Planner

JUNE 17, 2025

Prepared by:




Jessica C. Caldwell, PP, AICP, LEED-GA
NJPP License #5944

Mendham Borough Master Plan Reexamination Report

1. Introduction

The New Jersey Municipal Land Use Law (MLUL) (N.J.S.A. 40:55D-1 et seq.) provides that each municipality within the State of New Jersey periodically reexamine its Master Plan policies and assumptions, and its zoning restrictions and site plan and subdivision regulations, and prepare and adopt by resolution, a report on the findings of such reexamination. The Reexamination Report must include the following components (N.J.S.A. 40:55D-89):

- A. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report.
- B. The extent to which such problems and objectives have been reduced or have increased subsequent to such date.
- C. The extent to which there have been significant changes in the assumptions, policies, and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land uses, housing conditions, circulation, conservation of natural resources, energy conservation, collection, disposition, and recycling of designated recyclable materials, and changes in State, county and municipal policies and objectives.
- D. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulations should be prepared.
- E. The recommendations of the Joint Land Use Board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law," into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.
- F. The recommendations of the Joint Land Use Board concerning locations appropriate for the development of public electric vehicle infrastructure, including but not limited to, commercial districts, areas proximate to public transportation and transit facilities and transportation corridors, and public rest stops; and recommended changes, if any, in the local development regulations necessary or appropriate for the development of public electric vehicle infrastructure.

The first Borough of Mendham Master Plan was adopted by the Planning Board¹ in 1951. It was followed by master plan reviews in 1978, 1988, and 1994, and a reexamination in 2000. In October 2006, the Planning Board adopted a comprehensive Master Plan update which laid the foundation for most of the Borough's subsequent planning and zoning activities including, land use, demographics, circulation, community facilities, recreation, historic preservation, open space, conservation ERI², and public utilities plan elements. The Planning Board subsequently adopted

¹ The Borough of Mendham adopted a Joint Land Use Board via Ordinance No. 16-2020 on December 17, 2020, wherein the Board shall exercise both powers of a planning board, pursuant to N.J.S.A. 40:55D-25, and the powers of a zoning board of adjustment, pursuant to N.J.S.A. 40:55D-70. The Joint Land Use Board shall exercise the powers assigned to the Borough Planning Board, pursuant to §124-9 of the Borough Code, and the power assigned to the Borough Zoning Board of Adjustment, pursuant to §124-20 of the Borough Code.

² ERI standards for Environmental Resource Inventory.

Mendham Borough Master Plan Reexamination Report

Master Plan Reexamination Reports in 2016 and 2020. The following is a list of various Master Plan Elements or planning documents that have been updated or created over the years:

- Open Space, Recreation, and Historic Preservation Plan (2002)
- Housing Element and Fair Share Plan (2005, 2008, 2016, 2020)
- Historic District Expansion Phase 1 (2009)
- Historic District Expansion Phase I Map (2009)
- Highlands Initial Assessment Report (2009)³
- Historic District Expansion Phase II (2011)
- Historic District Expansion Phase II Map (2011)
- Loop Trail Plan (2011)
- Amendment to the Land Use Plan Element of the 2006 Master Plan (2015)

Since the time of adoption of the last Master Plan Reexamination Report in 2020, the assumptions, policies, and objectives upon which the Master Plan is based have changed by virtue of the State of New Jersey adoption of Bill A4/S50 on March 20, 2024. This Bill codifies the Fourth Round (2025-2035) of the State's affordable housing cycle, which begins on July 1, 2025.

Accordingly, the Joint Land Use Board has reexamined the Borough Master Plan and development regulations to determine the specific changes necessary to achieve conformance with this new legislation. It is the intent of this Report to identify the specific revisions needed to bring the Borough Master Plan and development regulations into conformance with the New Jersey Bill A4/S50.

2. Major Land Development Problems and Objectives

The following is a list of major problems and objectives relating to land development in the Borough at the time of the adoption of the 2020 reexamination reports.

2020 Reexamination Report

- A. Consideration of Village Center clustering for a variety of properties in the Borough as follows:
 - i. de Neufville (Block 1801, Lot 16);
 - ii. Cosma (Block 203, Lot 79); and
 - iii. Hilltop School (Block 1501, Lot 35).

³ Mendham Borough is located entirely within the Planning Area of the Highlands Region, where local conformance to the Highlands Regional Master Plan is entirely voluntary. The municipality completed a Highlands Initial Assessment Report in 2009; however, did not go forward with Highlands Plan Conformance at that time. The Borough has reconsidered and may be moving forward on Plan Conformance in the near future.

Mendham Borough Master Plan Reexamination Report

B. Main Street Corridor

- i. To acknowledge the importance of gateways to the Borough, one of which is at Cold Hill Road and East Main Street.
- ii. To provide an appropriate land use transition between Cold Hill Road on the east and the Historic Business Zone to the west.
- iii. To form the basis for village streetscape design features which would support and coordinate with the Historic Business Zone standards; the design standards contemplated would cover such items as pavement types, street lights, landscaping materials, street trees, and street furniture (i.e. benches, signage, and sign lighting, planters, etc.)

C. Historic District Overlay Zone

- i. Expansion of the Historic District Overlay Zone was recommended along Main Street extending to the western boundary of the Borough and to extend north along Orchard Street between Adams Place and the existing historic properties along East Main Street

D. In-Home/Offices and Businesses

- i. The Master Plan identified several “key questions” to be explored in the context of the existing definition for home-occupation, as follows:
 - a. Which accessory uses are appropriate within the principal structure or in separate buildings?
 - b. How are large “accessory” buildings to be distinguished from other non-residential uses which may be clearly inappropriate to a residential setting?
 - c. How can an ordinance regulating such structures and uses best speak to the fact that an accessory use in a residential setting should be clearly customary and incidental to single-family use?
 - d. Are there accessory uses which would be appropriate within the principal residential structure but not appropriate in a separate accessory structure on the same lot?

E. Public Parking

- i. Provide “quadrant” off-street parking at Main Street and Hilltop/Mountain Avenue.

F. Multi-Generational Family Housing

- i. Citing the possibility of applying the Village Cluster option to the de Neufville tract as a way of advancing the multi-generational character of Mendham Borough, the Plan recommended allowing in-house accommodations for family members and needed domestic help. It called for such living spaces to be connected to the main residence and be deed-restricted against open-market rental for other tenants.

G. Constraints on Development

- i. Limitations of sanitary sewer and potable water system capacities, environmentally sensitive areas, and an insufficient amount of customer parking in the Historic Business District were noted as “formidable constraints” to “reasonable growth,

Mendham Borough Master Plan Reexamination Report

development, and redevelopment” in accordance with the Borough’s Vision and Master Plan goals and objectives. Water and sewer issues and environmental constraints were addressed in other Plan Elements.

- ii. The development of shared community parking lots.
- iii. Use of shared driveway entrances and rear yard driveways between parking lots to simplify traffic circulation⁴.
- iv. The construction of sidewalks and walkways, as a key public improvement, approved by the Major and Council as part of an overall parking plan.
- v. The installation of low hedges and fences to give visual definition to the street edge and increase the privacy and attractiveness of the individual uses.

H. Highlands Region

- i. The Highlands Regional Master Plan had not yet been released at the time of the 2006 Master Plan therefore the Land Use Plan Element stated that the Planning Board intended to review and consider the “...*Highlands Plan and its regulations at the time they are issued.*”

I. Circulation Plan Element

- i. The overall goals of the Circulation Plan are reduction in access points along the roadways, shared access, shared parking, and integration of properties to allow for the appropriate distribution of traffic. In addition, pedestrian connections between the available off-street parking areas and the adjacent roadways and intersection must be included, so as to provide a continuous pedestrian circulation system.
- ii. To better facilitate traffic flow along Main Street and to key points such as Hilltop School, the high school, and Kings Shopping Center, the plan offered specific parking proposals or circulation improvements for those sites. The Circulation Plan offered proposals to limit parking along Main Street, Mountain Avenue, and Hilltop Road, among other areas.
- iii. Provide pedestrian crosswalks across Dean Road and across Main Street near the Kings Shopping Center. The location will have to be coordinated with any plans for the driveway re-design, so that pedestrians are crossing outside the limits of any left-turn lanes.

J. Conservation Plan Element

- i. Recommends local controls to restrict construction and tree removal on steep slopes; to impose stricter limits “...*of septic disposal setbacks and on distances between septic disposal fields and wells*”; to adopt a wellhead protection ordinance; to provide for tree protection both in new development and on existing residential properties; and to establish landscaping standards, including an approved list of plantings with focus on native species for new subdivisions.

⁴ The ultimate goal is to establish an interconnected circulation system of parking and driveways to the rear of buildings, by-passing the street frontage.

Mendham Borough Master Plan Reexamination Report

K. Stormwater Management Plan

- i. The Borough adopted a Stormwater Management Plan on April 11, 2005. Stormwater control ordinances were enacted by the Borough to comply with current New Jersey Department of Environmental Protection ("NJDEP") regulations. The MLUL now requires review of the plan and ordinance(s) as part of every Master Plan Reexamination.

L. Public Utilities Plan Element

- i. Recent engineering studies at the time found that the Borough's existing collection system is plagued by serious infiltration of groundwater and inflow of surface runoff during rain events or snow melts. This infiltration and inflow have created operational challenges and regulatory concerns due to exceeding the permitted capacity of the plant.
- ii. The data showed that a combination of high seasonal water usage from public and private users and volume result in the plant exceeding its 450,000-gallon-per-day average limit imposed by the state permit.
- iii. The Borough decided to undertake a systematic infiltration and inflow analysis. Areas where infiltration is most likely are being identified and the Borough began a project to evaluate the best methods to reline aged and crackling sewer mains, lining of manholes, and possible replacement of laterals.
- iv. The refurbishing of the collection system is one of the most serious issues facing the Borough. The methods of improvement have been undertaken by the Borough is hoped to create a cushion against the 450,000-gallon ceiling. When the infiltration problem is fixed and if, at that time, there is latitude for reconsidering the criteria in the sewer ban ordinance, connections in the commercial business zone should be considered to allow for a greater diversity of appropriate businesses.

M. Affordable Housing

- i. The Borough of Mendham 2020 Master Plan Reexamination primarily addressed the changes in State law and court cases that required municipalities to submit updated Housing Elements and Fair Share Plans to Superior Court for a determination of compliance with the Fair Housing Act and the municipality's obligation to provide its fair share of affordable housing.

3. Extent of Reduction or Increase in Problems and Objectives

The extent to which each of the problems and objectives listed in item 1 above, have been reduced or have increased subsequent to the date of the last reexamination report, specifically as a result of passage of A4/S50, is indicated below, in the same order provided at 1, above:

The Primary focus of this Master Plan Reexamination Report is to address the changes in New Jersey's affordable housing legislation that requires municipalities to submit an updated Housing Element and Fair Share Plan to the Dispute Resolution Program for a determination of compliance with the Fair Housing Act and the municipality's obligation to provide its fair share of affordable housing. However, the issues addressed at the time of the last two reexamination reports are briefly addressed below.

Mendham Borough Master Plan Reexamination Report

2016 & 2020 Reexamination Reports

- A. Consideration of Village Center clustering for a variety of properties in the Village Center area including:

- i. de Neufville (Block 1801, Lot 16);
- ii. Cosma (Block 203, Lot 79); and
- iii. Hilltop School (Block 1501, Lot 35).

The last reexamination report identified the de Neufville tract, from the above listed sites, as the most viable location for any consideration of cluster zoning, which would include inclusionary zoning. Since that time, the last Housing Element and Fair Share Plan identified the Daytop site (Block 18.01, Lot 5) as more viable than the de Neufville site for inclusionary zoning. Thus far, cluster zoning or inclusionary zoning on the de Neufville site is not being pursued.

- B. Main Street Corridor

This item was addressed. The Borough adopted design elements for the Main Street Corridor in 2007 (Chapter 195, Subdivision of Land and Site Plan Review, Article XIA).

- C. Historic District Overlay Zone

This item was addressed In September 2011, the Planning Board amended the Historic Preservation Element of the Master Plan to expand the Historic District Overlay as recommended along both East and West Main Street and various other locations on Hilltop Road, Talmage Road, Orchard Street, and Hampton Road. In November 2011 the Borough Council adopted Ordinance No. 7-11 to implement this change.

- D. In-Home/Offices and Businesses

This remains an ongoing objective for the Borough.

- E. Multi-Generational Family Housing

This remains an ongoing objective for the Borough.

- F. Public Parking

This remains an ongoing objective for the Borough.

- G. Constraints on Development

This remains an ongoing objective for the Borough.

Mendham Borough Master Plan Reexamination Report

H. Highlands Region

- i. The Highlands Regional Master Plan had not yet been released at the time of the 2006 Master Plan therefore the Land Use Plan Element stated that the Planning Board intended to review and consider the “...*Highlands Plan and its regulations at the time they are issued.*”

Mendham Borough is located entirely within the Planning Area of the Highlands Region, where local conformance to the Highlands Regional Master Plan is entirely voluntary. The municipality completed a Highlands Initial Assessment Report in 2009 and is considering pursuing Highlands Plan Conformance in the future.

I. Circulation Plan Element

This remains an ongoing objective for the Borough.

J. Conservation Plan Element

This remains an ongoing objective for the Borough.

K. Stormwater Management Plan

This remains an ongoing objective for the Borough.

L. Public Utilities Plan Element

This remains an ongoing objective for the Borough.

M. Housing

This remains an ongoing objective for the Borough. The Borough of Mendham revised its Third Round Housing Element in 2005, 2008, 2016, and 2020 each time in order to address the Borough's Third Round Affordable Housing Regulations.

N. Affordable Housing:

This objective needs to be addressed at this time. A Housing Element and Fair Share Plan was adopted in May 2020 that addressed the Borough's Third Round obligations. On March 20, 2024, Governor Murphy signed into law Bill A4/S50, codifying the Fourth Round of affordable housing. To comply with this law, the Borough should prepare a new Housing Element and Fair Share Plan that satisfies the requirements of the Fair Housing Act and provides for the Borough's fair share of affordable housing units for the Fourth Round Period from July 2025 through June 2035.

4. Significant Changes in Assumptions, Policies, and Objectives

Since the last Reexamination Report of the Borough Master Plan in 2020, the passage of A4/S50 has significantly altered the objectives that must be addressed in the Borough Master Plan, including but not limited to the need to develop a new Housing Element and Fair Share Plan along with meeting the required timeframes and obligations of the amended Fair Housing Act.

Mendham Borough Master Plan Reexamination Report

5. Specific Recommended Changes to the Master Plan or Development Regulations

An updated Housing Element and Fair Share Plan dated June 17, 2025 addressing the Round 4 obligations of the Borough of Mendham should be adopted and submitted to the Dispute Resolution Program by the June 30, 2025 Fair Housing Act deadline.

Any ordinances required to implement the June 17, 2025 Housing Element and Fair Share Plan should be adopted.

6. Changes Recommended for Incorporation of Redevelopment Plans

At this time, the Joint Land Use Board makes no findings or recommendations concerning the incorporation of redevelopment plans pursuant to the Local Redevelopment and Housing Law, P.L. 11992. C.79 (C.40A:12A-1 et al.).

7. Changes Recommended for Public Electric Vehicle Service Equipment (EVSE)

At this time the Joint Land Use Board recommends existing municipal facilities as appropriate locations for the development of public EVSE.

BOROUGH OF MENDHAM JOINT LAND USE BOARD

RESOLUTION OF MEMORIALIZATION

Decided: June 17, 2025
Memorialized: June 17, 2025

IN THE MATTER OF NICHOLAS & CAROLYN SYRIS
"C" VARIANCE APPLICATION
BLOCK 701, LOT 14
APPLICATION NO. JLUB #06-25

WHEREAS, Nicholas & Carolyn Syris (hereinafter the "Applicants") applied to the Borough of Mendham Joint Land Use Board (hereinafter the "Board") for the grant of a variance pursuant to N.J.S.A. 40:55D-70c (hereinafter the "Variance") by application dated 2/18/25; and

WHEREAS, the application was deemed complete by the Board, and public hearings were held on 5/20/25 and 6/18/25; and

WHEREAS, the Board has determined that the Applicant has complied with all land use procedural requirements of Chapter 124 of the Ordinance of the Borough of Mendham, and has complied with the procedural requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., including without limitation, public notice pursuant to N.J.S.A. 40:55D-12; and

WHEREAS, the Board makes the following findings and conclusions, based on the documents, testimony and other evidence comprising the hearing record:

1. The property which is the subject of the application consists of 21,911 sf located in the ½ Acre Residential Zone and containing a two-story frame dwelling with attached one-car garage, a rear deck and brick patio/walkway.

2. The improvements to the subject property for which the Variance relief is sought comprise a second floor addition over the existing garage and a two-story addition with a garage on the first floor and an exercise room, bathroom

and spare room on the second floors. The rear brick patio/walkway is to be removed. A bulk variance is required for the westerly side yard setback of 11.4 ft., where a minimum of 15 ft. is required.

3. The Applicants have submitted the following documents that depict and/or describe the improvements for which the Variance relief is required:

- Architectural Plans, consisting of five sheets, dated 2/18/25, prepared by Daniel Encin, Architect, revised to

4. In support of the application, the Applicants have submitted the following documents, which are part of the hearing record:

- Land Use Board Application, dated 2/18/25, prepared by Carolyn Syris
- Checklist
- Sewer Allocation Application, dated 2/17/25, prepared by Nicholas Syris
- Site Inspection Form, dated 2/17/25, prepared by Nicholas Syris
- Site Photographs
- Certificate of Paid Taxes, dated 2/13/25
- Certified Property Owners List
- Zoning Officer Denial, dated 2/28/25, prepared by Rob Rosendale

5. The Board's planning and engineering professionals and/or consultants have submitted the following reports concerning their reviews of the application, which are part of the hearing record:

Paul Ferriero, PE, CMI, dated 3/28/25

6. Borough officials and/or agencies have submitted the following reports concerning their reviews of the application, which are part of the hearing record:

Thomas Ryan, Fire Official, dated 3/5/25

7. In the course of the public hearings, the

following exhibits were marked and are part of the hearing record:

A-1 Revised Sheet A1 with added table for impervious coverage

8. In the course of the public hearings, the Applicants represented themselves, and the Applicants presented the testimony of the following witness, which testimony is part of the hearing record:

Carolyn Syris, co-owner/applicant
Dan Encin, Architect

9. The documentary evidence and the testimony of the Applicant and/or Applicant's witnesses adduced the following facts:

Applicant Carolyn Syris testified that the existing garage is too small to accommodate modern SUV-sized vehicles, and the 90° orientation of the garage doors requires a K-turn to enter. Architect Dan Encin testified to the goal of providing an expanded garage without creating unsightly conditions, and while minimizing intrusion into the westerly side yard setback. In order to offset the lot coverage associated with the new garage, the existing brick patio/walkway is to be removed. With regard to the additional building mass associated with the second floor above the new garage, Mr. Encin represented that the second floor westerly elevation would be pulled back by 3.6 feet so that it will not encroach into the side yard setback.

10. Based on the hearing record, the Board has made the following findings and conclusions relative to the Variance relief sought by the Applicant.

By reason of the existing configuration of the garage and driveway, the strict application of Ordinance Schedule II would result in peculiar and exceptional difficulties to, and impose exceptional and undue hardship upon the Applicant. Therefore, the grant of the Variance is warranted pursuant to N.J.S.A. 40:55D-70c(1) so as to relieve such difficulties and hardship.

The Board further finds that this relief can be granted without substantial detriment to the public good and that the granting of this relief will not substantially impair the intent and purpose of the zone plan and/or the zoning ordinance.

11. In summary, the Board hereby grants a total of 1 "C" variance in connection with this application.

NOW, THEREFORE, BE IT RESOLVED, that the Board does hereby approve the application and grant the Variance requested by the Applicant, as described hereinabove, pursuant to N.J.S.A. 40:55D-70c(1).

This approval is subject to the following conditions, which shall, unless otherwise stated, be satisfied prior to the issuance of a zoning permit for the improvements requiring Variance relief.

1. Given the proximity to the adjacent property, sufficient notes shall be added to the plan to ensure runoff from the addition are directed towards the street and not onto the adjoining lot.

2. Applicants shall fulfill the requirements of the Uniform Construction Code, Fire Subcode. The smoke alarm system requirements are all electric interconnected, and with this addition size it will require the original structure to be updated.

3. All new lighting fixtures shall be concealed source dark-sky compliant in accordance with the Borough Ordinance.

4. Any electric vehicle charging installation in the new garage must be inspected by the Borough Fire Official for compliance with Fire Code.

5. Applicant's architect shall provide a breakdown of the lot coverage on the plans to be submitted for signature.

6. All application, escrow and inspection fees shall be paid in full and current at the time of issuance of zoning permits and construction permits. Engineering

inspection fees will be paid out of the Applicant's escrow account, and the Applicant will replenish said account to the extent required to pay for said inspection fees.

7. This approval is subject to all other approvals required by any governmental agency having jurisdiction over the subject property.

8. This approval is subject to the payment in full of all taxes and assessments due and owing to the Borough of Mendham and/or any agency thereof.

9. Pursuant to Ordinance Section 124-22, the Variance relief granted herein shall expire within one year of the memorialization of this Resolution unless the construction or alteration of the improvements requiring Variance relief has actually been commenced during that time period, provided that the running of the one-year time period shall be tolled during the pending of any appeal of the Board's decision to the Borough Council or to a court of competent jurisdiction.

The undersigned does hereby certify that the foregoing is a true copy of the Resolution adopted by the Borough of Mendham Joint Land Use Board memorializing the action taken by the Board at its meeting of 6/18/25.

Lisa Smith
Board Secretary

BOROUGH OF MENDHAM JOINT LAND USE BOARD

RESOLUTION OF MEMORIALIZATION

Decided: May 20, 2025

Memorialized: June 17, 2025

**IN THE MATTER OF EDWARD THOMAS
"D1" & "C" VARIANCE APPLICATION
BLOCK 1801, LOT 38
APPLICATION NO. JLUB #07-25**

WHEREAS, Edward Thomas (hereinafter the "Applicant") applied to the Borough of Mendham Joint Land Use Board (hereinafter the "Board") for the grant of variances pursuant to N.J.S.A. 40:55D-70d(1) and 40:55D-70c (hereinafter the "Variances") by application dated 2/24/25; and

WHEREAS, the application was deemed complete by the Board, and a public hearing was held on 5/20/25; and

WHEREAS, the Board has determined that the Applicant has complied with all land use procedural requirements of Chapter 124 of the Ordinance of the Borough of Mendham, and has complied with the procedural requirements of the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., including without limitation, public notice pursuant to N.J.S.A. 40:55D-12; and

WHEREAS, the Board makes the following findings and conclusions, based on the documents, testimony and other evidence comprising the hearing record:

1. The property which is the subject of the application consists of 16.652 acres located in the 5-Acre Residence Zone and containing a two-story frame dwelling with covered porch and patio, two-story frame dwelling cottage with patio, two garages, three frame sheds, gravel parking area and driveway, pool with patio and pool house, paved driveway, and ancillary site improvements.

2. The improvements to the subject property for which the Variance relief is sought comprise two ground-mounted solar arrays in the southwestern corner of the

property. Panel A is proposed to be 1,368 sf located 10 ft. from the side property line, and Panel B is proposed to be 646 sf located 12.6 ft. from the side property line. Pursuant to Ordinance §215-31.1G(4)(d), ground-mounted solar panels are not a permitted use, requiring a use variance under N.J.S.A. 40:55D-70d(1). Furthermore, since Ordinance Schedule II requires a minimum 40 ft. accessory structure sideyard setback, a bulk variance under N.J.S.A. 40:55D-70c is also required.

3. The Applicant has submitted the following documents that depict and/or describe the improvements for which the Variance relief is required:

- Survey and Variance Plan, dated 11/21/24, prepared by Christopher J. Aldrich, PLS
- PV Generation Plan, consisting of 28 sheets, dated 10/3/25, prepared by Jacob S. Proctor, PE

4. In support of the application, the Applicant has submitted the following documents, which are part of the hearing record:

- Land Use Board Application, dated 2/24/25, prepared by Edward Thomas
- Checklist
- Site Inspection Form, dated 2/25, prepared by Edward Thomas
- Certificate of Paid Taxes, blank
- Zoning Officer Denial, dated 9/11/24, prepared by Rob Rosendale

5. The Board's planning and engineering professionals and/or consultants have submitted the following reports concerning their reviews of the application, which are part of the hearing record:

Jessica Caldwell, PP, AICP, dated 5/5/25
Paul Ferriero, PE, CME, dated 3/28/25

6. In the course of the public hearings, no exhibits were marked as part of the hearing record.

8. In the course of the public hearings, the

Applicant was represented by William Munday, Esq., and the Applicant presented the testimony of the following witnesses, which testimony is part of the hearing record:

Edward Thomas, owner/applicant

9. The documentary evidence and the testimony of the Applicant and/or Applicant's witnesses adduced the following facts:

Mr. Thomas testified that the proposed solar arrays would render his property energy self-sufficient and "carbon-neutral." The installation needs to be ground-mounted because the roof of the principal dwelling is tile. The location of the arrays has been selected to be out of the riparian zones and least visible from neighboring properties.

10. Based on the hearing record, the Board has made the following findings and conclusions relative to the Variance relief sought by the Applicant:

Since solar energy is classified as an inherently beneficial use, the d(1) variance must be evaluated pursuant to the *Sica* balancing test. Applying this test, the Board finds that the public interest in implementing renewable energy is compelling and outweighs the negligible adverse impacts associated with the proposed installation on the subject property.

With respect to the proposed side-yard setbacks, the Board finds that the selected locations for the solar arrays are optimal in terms of minimizing environmental and visual impacts, and therefore represent a better planning alternative to strict Ordinance compliance. Therefore, the grant of the Variance is warranted pursuant to N.J.S.A. 40:55D-70c(2), because the benefits of the deviation will substantially outweigh the detriments.

The Board further finds that the foregoing relief can be granted without substantial detriment to the public good and that the granting of this relief will not substantially impair the intent and purpose of the zone plan and/or the zoning ordinance.

11. In summary, the Board hereby grants a total of one "D1" variance and two "C" variance in connection with this application.

NOW, THEREFORE, BE IT RESOLVED, that the Board does hereby approve the application and grant the Variances requested by the Applicant, as described hereinabove, pursuant to N.J.S.A. 40:55D-70d(1) and 40:55D-70c(2).

This approval is subject to the following conditions, which shall, unless otherwise stated, be satisfied prior to the issuance of a zoning permit for the improvements requiring Variance relief.

1. Once completed, the solar field will need to be marked with signage from NFPA, indicating solar panels are in use. This will need to be placed in a manner that any firefighter approaching the field is aware of the possibility of high voltage discharge from the panels. The Borough Fire Department shall also be notified of these panels prior to their being energized.

2. The proposed locations of the solar panels shall be depicted on a stake out plan for approval by the Board Engineer and shall be staked out in the field in accordance with the approved plan.

3. Upon completion of the installation, an as-built plan shall be submitted to the Board Engineer.

4. All application, escrow and inspection fees shall be paid in full and current at the time of issuance of zoning permits and construction permits. Engineering inspection fees will be paid out of the Applicant's escrow account, and the Applicant will replenish said account to the extent required to pay for said inspection fees.

5. This approval is subject to all other approvals required by any governmental agency having jurisdiction over the subject property.

6. This approval is subject to the payment in full of all taxes and assessments due and owing to the Borough of Mendham and/or any agency thereof.

7. Pursuant to Ordinance Section 124-22, the Variance relief granted herein shall expire within one year of the memorialization of this Resolution unless the construction or alteration of the improvements requiring Variance relief has actually been commenced during that time period, provided that the running of the one-year time period shall be tolled during the pending of any appeal of the Board's decision to the Borough Council or to a court of competent jurisdiction.

The undersigned does hereby certify that the foregoing is a true copy of the Resolution adopted by the Borough of Mendham Joint Land Use Board memorializing the action taken by the Board at its meeting of 5/20/25.

Lisa Smith
Board Secretary

Resolution #08-2025

RESOLUTION ADOPTING MASTER PLAN REEXAMINATION REPORT AND HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2 which amended various provisions of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq. ("Amended FHA")); and

WHEREAS, the Amended FHA sets forth that the Fourth Round period of affordable housing obligations shall run from July 1, 2025 through June 30, 2035 ("Fourth Round" or "Round Four"); and

WHEREAS, the Amended FHA requires, among other things, that municipalities prepare and adopt a Housing Element & Fair Share Plan on or before June 30, 2025;

WHEREAS, the Joint Land Use Board of the Borough of Mendham, County of Morris, State of New Jersey (the "Board"), has reexamined its Master Plan pursuant to N.J.S.A. 40:55D-89 et seq.; and

WHEREAS, as a result of that reexamination, and the passage of the Amended FHA, the Board has determined to adopt a Fourth Round Housing Element & Fair Share Plan for the Borough of Mendham; and

WHEREAS, the Borough Planner has prepared a Master Plan Reexamination Report and Housing Element & Fair Share Plan which have been reviewed by the Board; and

WHEREAS, the Joint Land Use Board of the Borough of Mendham held a public hearing on the Housing Element & Fair Share Plan and related Reexamination Report on date, for which the required public notice was duly provided pursuant to N.J.S.A. 40:55D-13; and

WHEREAS, the Board has determined that the Housing Element & Fair Share Plan and is consistent with the goals and objectives of the municipal Master Plan and the implementation of same is in the public interest and promotes the general welfare; and

WHEREAS, by this Resolution, the Board hereby approves the 2025 Master Plan Reexamination Report and the Fourth Round Housing Element and Fair Share Plan.

NOW THEREFORE, BE IT RESOLVED, by the Joint Land Use Board of the Borough of Mendham, Morris County, New Jersey, that the Board hereby adopts the 2025 Master Plan Reexamination Report for the Borough of Mendham, dated June 17, 2025, prepared by J. Caldwell & Associates, LLC and the Fourth Round Housing Element & Fair Share Plan for the Borough of Mendham, dated June 17, 2025, prepared by J. Caldwell & Associates, LLC, both of which are attached hereto and incorporated herein. The Board Secretary is hereby directed to send a copy of the Master Plan Reexamination Report and Housing Element & Fair Share Plan, and this Resolution, to the Morris County Planning Board.

Joseph D'Urso, Joint Land Use Board Chair

I hereby certify that the foregoing is a true copy of a resolution duly adopted by the Borough of Mendham Joint Land Use Board at a meeting held on June 17, 2025.

Lisa Smith, Joint Land Use Board Secretary