



**BOROUGH OF MENDHAM
MEETING OF THE MAYOR AND COUNCIL
June 17, 2026 7:00 PM MINUTES**

1. CALL TO ORDER

Mayor Kelly called the June 17th, 2026, Regular Meeting of the Mayor and Council to Order at 7:00 pm in the Garabrant Center, Wilson Street, Mendham, New Jersey.

2. MOMENT OF SILENCE AND FLAG SALUTE

Mayor Kelly led a moment of silence and proceeded with the Pledge of Allegiance.

3. MAYOR'S OPENING STATEMENT

Mayor Kelly stated that adequate notice of this meeting of the Mayor and Council of the Borough of Mendham was published in the Daily Record and Star Ledger and was posted in the Phoenix House. In addition, a copy of this notice is and has been available to the public, is on file in the office of the Municipal Clerk, and is available under Public Notices at www.mendhamnj.org. Official action will be taken at this meeting.

4. ROLL CALL

Present:

Mayor, James Kelly
Council Member Matthew Bruin
Council Member Alexandra Henry Traut
Council Member Chris Neff
Council Member Will Russo
Council Member Neil Sullivan

Also, present were:

Fred Semrau, Dorsey & Semrau, LLC
Lauren McBride, Borough Clerk
Joyce Bushman, Administrator

Not Present:

Council President Marilyn Althoff

5. **CONSENT AGENDA ITEMS** *(Items considered routine, Council will act on by a single motion and vote unless a member request that an item be removed and considered separately)*

Items on the Consent Agenda are considered routine and will be acted upon by the Borough Council by a single vote unless a member of the Governing Body requests that an item be removed and considered separately.

A. Minutes

1. May 20, 2026

B. Special Event application

1. The Maoli Classic Car Show, 9/19 and 9/20

C. Banner Application

1. The Maoli Classic Car Show, 9/7-9/22

D. Solicitor Applications

1. Iliza Veleski, Renewal by Andersen
2. Joan O'Brien, Weichert Realtors Mendham

Motion: Council Member Bruin

Second: Council Member Neff

Ayes: Bruin, Henry Traut, Neff, Russo, Sullivan

6. **PRESENTATION**

Fishing Derby- Public Project Proposal

Brendan McDonough and Harrison Wright, rising seniors at Mendham High School, presented a proposal to host a Youth Fishing Derby and Watershed Awareness Day at the Mud Hole as part of their IBCP community engagement project. The event would include a fishing derby, conservation education activities, fundraising benefiting organizations such as Trout Unlimited, and a post-event cleanup.

The students requested Borough approval to continue planning, guidance on event requirements and safety, and assistance identifying conservation partners and speakers.

Council members discussed fish stocking, pond conditions, and the importance of educating participants about proper fishing line disposal to protect wildlife. They encouraged the students to coordinate with the Mendham Borough Police Department, conservation groups, local businesses, and the Mendham Business Association for support, volunteers, sponsorships, and prizes. The Council praised the students' initiative, environmental focus, and presentation, and expressed support for the project.

Motion: Council Member Henry Traut

Second: Council Member Bruin
Ayes: Bruin, Henry Traut, Neff, Russo, Sullivan

7. ORDINANCES FOR ADOPTION AND PUBLIC HEARING

ORDINANCE #09-2026 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

WHEREAS, the New Jersey Supreme Court, through its decisions in Southern Burlington County NAACP v. Mount Laurel, 67 N.J. 151 (1975)(“*Mt. Laurel I*”), and Southern Burlington County NAACP v. Mount Laurel, 92 N.J. 158 (1983)(“*Mt. Laurel II*”), has determined that municipalities have a constitutional obligation to affirmatively provide, through their local land use regulations, a realistic opportunity for the construction of good and decent affordable housing for low-and moderate-income families; and

WHEREAS, in *Mt. Laurel I* the New Jersey Supreme Court held that a municipality can satisfy its constitutional obligation by adopting or amending its local zoning ordinances to affirmatively provide a realistic opportunity for an appropriate variety and choice of housing, including for the construction of the municipality’s fair share of the present and future regional need for low-and moderate-cost housing; and

WHEREAS, in *Mt. Laurel II* the New Jersey Supreme Court reaffirmed this constitutional obligation, and explained that whether an opportunity is realistic “depend[s] on whether there is in fact a likelihood —to the extent economic conditions allow— that the lower income housing will actually be constructed [;]” and

WHEREAS, in *Mt. Laurel II*, the New Jersey Supreme Court further held that municipalities, at the very least, must remove all municipally created barriers to the construction of their fair share of lower income housing that are not necessary to protect the public health and safety to the extent necessary to meet the municipality’s prospective fair share of affordable housing; and

WHEREAS, the above and several additional subsequent decisions of the New Jersey Supreme Court have since come to be known as the *Mount Laurel* doctrine; and

WHEREAS, in response to *Mt. Laurel I* and *Mt. Laurel II*, New Jersey Legislature adopted the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (the “FHA”), which has since been amended in March 2024 by P.L. 2024, c.2; and

WHEREAS, in 2024 the New Jersey Legislature amended the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. through the adoption of P.L. 2024, c.2 (“FHA-2”) which governs how

municipalities must comply with their affordable housing obligations for the Fourth Round (2025-2035); and

WHEREAS, P.L. 2024, c. 2 abolished the Council on Affordable Housing (COAH), created the Affordable Housing Dispute Resolution Program (Program) and established new procedures and deadlines for municipalities to come into compliance with the FHA and the *Mount Laurel* doctrine for each future ten-year affordable housing round beginning with the Fourth Round, which starts on July 1, 2025 and ends on June 30, 2035; and

WHEREAS, in December 2024 the Administrative Office of the Courts issued Directive #14-24, which sets forth additional procedures all municipalities must follow to come into compliance with the FHA-2 in order to maintain immunity from exclusionary zoning and builder's remedy litigation through the Program process set forth in P.L. 2024, c.2; and

WHEREAS, in compliance with P.L. 2024, c. 2 and Directive #14-24, the Borough of Mendham ("Borough") timely filed a declaratory judgment action with the Program on January 29, 2025, which is entitled In re Borough of Mendham, Docket No.: MRS-L-254-25 (Borough's "2025 Action"); and

WHEREAS, on May 2, 2025 Morris/Sussex County Mount Laurel Judge, the Honorable Janine M. Allen, J.S.C., issued an Order in the Borough's 2025 Action fixing the Borough's Fourth Round pre-credited/unadjusted Present Need Obligation at "0" and gross Prospective Need Obligation at "124" and which such Order directed the Borough to adopt its Fourth Round Housing Element and Fair Share Plan and upload same to the Program on or before June 30, 2025; and

WHEREAS, in accordance with the requirements of Directive #14-24 and P.L. 2024, c.2, and the Order issued by Judge Allen, the Borough's Planner prepared the Borough's Fourth Round Housing Element and Fair Share Plan ("2025 HEFSP"); and

WHEREAS, on timely prior notice to the public, on June 17, 2025, the Borough of Mendham Joint Land Use Board adopted the Borough's 2025 Housing Element and Fair Share Plan following a public hearing thereon in accordance with all applicable laws, and on June 26, 2025 the Mayor and Borough Committee adopted a resolution endorsing the 2025 HEFSP; and

WHEREAS, the Borough timely filed the 2025 HEFSP with the Program prior to June 30, 2025 in accordance with the requirements and deadlines set forth within the FHA-2; and

WHEREAS, thereafter Fair Share Housing Center (FSHC) and Accordia Realty Venture, LLC ("Accordia"), (collectively "Challengers") filed a timely challenge to the Borough's 2025 HEFSP; and

WHEREAS, the Borough subsequently participated in good faith in the Program process established under FHA-2 to address the various challenges to the Borough's 2025 HEFSP, including settlement conferences before Program Judge the Honorable Stephan C. Hansbury, J.S.C. (Ret.) on October 17, 2025 and November 14, 2025, which did not result in a settlement of the challenges; and

WHEREAS, a session hearing was held before Program Judge Hansbury on December 17, 2025

with respect to the challenges; and

WHEREAS, on December 19, 2025, Judge Hansbury issued a Program Decision Recommendation wherein Judge Hansbury recommended an Order be issued by Judge Allen finding the Borough's 2025 HEFSP be deemed not in compliance with the FHA-2 and the Mount Laurel doctrine, the Challenges be upheld, and revoked the Borough's immunity from exclusionary zoning unless the Borough agreed to remove any requirement for senior rentals and a conservation easement with respect to Accordia's proposed project before January 1, 2026 in order for the Borough's immunity to be restored, and further directed the Borough to timely amend its 2025 HEFSP to reflect such changes and if the Borough should otherwise fail to do so, recommended the Court revoke the Borough's immunity from exclusionary zoning litigation; and

WHEREAS, in accordance with the Judge Hansbury's directions and on prior authorization from Borough Council, on December 24, 2025 the Borough's Attorney submitted correspondence to the Program advising that the Borough was in agreement to remove the age restriction and conservation easement conditions associated with the Accordia's project; and

WHEREAS, on January 6, 2026, Program Judge Hansbury issued an Amended Program Decision Recommendation wherein Judge Hansbury authorized the reinstatement of the Borough's temporary immunity from exclusionary zoning, and directed the Borough to timely amend its 2025 HEFSP to reflect such changes and which further recommended that Judge Allen allow the parties to resolve any remaining issues and enter into an agreement, if the Borough and the Challengers' remaining issues could not be resolved, Judge Hansbury recommended the Court revoke the Borough's immunity from exclusionary zoning litigation; and

WHEREAS, on March 3, 2026 the Honorable Janine M. Allen, J.S.C. held a case management conference with counsel of record for the Borough and the Challengers, and thereafter issued an Order in the Borough's 2025 Action extending the deadline for the Borough to adopt its amended Housing Element and Fair Share Plan and all implementing ordinances and resolutions to April 30, 2026 in order for ongoing settlement discussions to take place; and

WHEREAS, on timely prior notice to the public, on March 3, 2026, the Borough of Mendham Joint Land Use Board adopted the Borough's "2026 Amended Housing Element and Fair Share Plan" ("Amended Fourth Round HEFSP" or "Amended HEFSP") following a public hearing thereon, all in accordance with the requirements of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., N.J.S.A. 40:49-2.1 of the Home Rule Act and the applicable provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., and the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., which was subsequently endorsed by the Borough Council on April 15, 2026;

WHEREAS, this Ordinance seeks to implement the above recommendation of the Program Judge, the 2026 Amended HEFSP and address the multitude of public comments received by the Borough Council and Joint Land Use Board.

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Mendham, in Morris County, New Jersey, that Chapter 215 of the Code of the Borough of Mendham entitled

“Zoning” is hereby amended and supplemented to add Article XXI, Section 215-89 entitled “Bernardsville Road Affordable Housing Overlay Zone” as follows:

SECTION 1. A new section entitled “Article XXI, Section 215-89 Bernardsville Road Affordable Housing Overlay Zone (B-AHO) Zone” is added to Chapter 215 as follows:

§215-89 Purpose.

The purpose of the Bernardsville Road Affordable Housing Overlay (B-AHO) Zone is to create a realistic opportunity for the construction of low- and moderate-income housing in Mendham on land that is available for development, thereby addressing the Borough’s fair share housing obligation under the New Jersey Fair Housing Act and constitutional obligations to provide affordable housing. This Overlay Zone is implemented pursuant to N.J.A.C. 5:93-4.3(b) whereby a municipality granted a durational adjustment for lack of water or sewer shall be required to apply overlay zoning which permits inclusionary development if adequate water and/or sewer become available to serve the site.

It is the intent of this ordinance to foster the subdivision of the property located at Block 2301 Lot 13 and having an address of 350 Bernardsville Road (“Property”) to create two lots, the first of which is to contain the former and currently vacant Motherhouse (“Old Motherhouse”) that will be rehabilitated and repurposed into an inclusionary housing development pursuant to the Borough’s amended Round Four Housing Element and Fair Share Plan (hereinafter referred to as the “Inclusionary Lot”) and will consist of approximately 23 acres. The second lot will comprise the remainder of the site, inclusive of the current Motherhouse (“New Motherhouse”) that has been occupied by the Sisters of Christian Charity since 2018 (hereinafter referred to as the “Religious Campus Lot”) and will consist of approximately 86 acres.

§215-90 Location.

The B-AHO Zone applies to Block 2301, Lot 13.

§215-91 Applicability and subdivision.

- A. The Inclusionary Lot shall include the Old Motherhouse and its associated surface parking area, the entry drive from Hilltop Road, and the multiple existing outbuildings, which include but are not limited to residences, barns, and garages (collectively the “Existing Outbuildings”).**
- B. The Religious Campus Lot shall be the remainder of Block 2301 Lot 13 and include the New Motherhouse and its associated improvements, the entry drive from Bernardsville Road, as well as the building known as Villa Pauline.**
- C. The B-AHO Zone applies to the entire Property for the purposes of subdivision; however,**

the Inclusionary Lot and Religious Campus Lot shall be subject to the provisions set forth herein.

§215-92 Permitted uses.

A. Permitted principal uses for the Inclusionary Lot.

1. Multifamily dwelling units within an inclusionary development, pursuant to the affordable housing standards in Section 215-94, up to a maximum of 150 total units. Such development shall be permitted through the adaptive reuse of the Old Motherhouse building, along with selective demolition and/or a new addition to such building in general conformance with the plan attached hereto as Exhibit A. The bedroom mix of the affordable units shall be subject to the most recent provisions of the Uniform Housing Affordability Controls (“UHAC”) (N.J.A.C. 5:80-26.1 et seq) in effect at the time of site plan approval. The market rates units may include studios/efficiency, one-bedroom, two-bedroom, and/or three- bedroom units.
2. Existing wireless communication equipment situated in the Old Motherhouse, subject to the Developer providing adequate proofs to the Joint Land Use Board that the existing communications equipment meets applicable FCC and NJDEP radio frequency exposure limits with respect to the future occupants of the Inclusionary Lot in accordance with §215-101.F.1.

B. Accessory uses for the Inclusionary Lot.

1. Uses and structures customarily incidental to permitted principal uses, including but not limited to residential/recreational amenities, tenant/property storage areas, maintenance buildings, stormwater management improvements, wastewater treatment facilities, structured parking, etc.
2. Existing Outbuildings as accessory to the Inclusionary Lot and/or the Religious Campus Lot.

C. Permitted principal uses, and Accessory uses for Religious Campus Lot

1. Those specified in the 5-Acre Residence and Religious Campus Zone, Section 215-13.1 of the Mendham Borough Zoning Ordinance.
2. Existing Outbuildings as accessory to the Religious Campus Lot.

§215-93 Zone standards.

A. Area and bulk requirements for the Inclusionary Lot are as follows:

B-AHO Zone Bulk Standards for the Inclusionary Lot	
Lot Bulk Standards:	
Minimum lot area	20 acres, exclusive of any right-of-way dedication
Maximum building coverage	15%
Maximum lot coverage	35%
Bulk Standards Associated with Inclusionary Development:	
Maximum number of new residential units for inclusionary development	150 units
Minimum setback from Hilltop Road to principal structures for inclusionary development	200 feet
Minimum setback from all other property lines to principal structures for inclusionary development	40 feet
Minimum setback from all property lines for accessory structures for inclusionary development	25 feet
Maximum building height for new construction for principal structures for inclusionary development	The ridge line of new construction shall not exceed that of the existing building to which it is attached.
Maximum building height for accessory structures for the inclusionary development	35 feet
Bulk Standards Associated with Existing Outbuildings:	
Minimum setback of outbuildings from Hilltop Road	75 feet. Where non-conforming structures exist, such structure is permitted to remain and/or expand, provided any expansion does not bring the structure closer to Hilltop Road. Such expansion shall be limited to no more than a 10% increase of the existing footprint for the structure at the time of adoption of the ordinance.
Minimum setback to all other property lines for outbuildings	40 feet

Maximum building height for new construction for outbuildings	The ridge line of new construction shall not exceed that of the existing building to which it is attached, or in the case of replacement, the ridge line of the new building shall not exceed that of the existing building as measured immediately prior to demolition.
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B. Area and bulk requirements for the Religious Campus Lot are as follows:

- 1.** The Religious Campus Lot shall be subject to area and bulk requirements applicable to the 5-Acre Residence and Religious Campus Zone, with the following exceptions:
 - i.** The maximum density of persons: the lesser of 2.3 persons per acre or 196 persons for the entirety of Religious Campus Lot.
 - ii.** Minimum setback for accessory structures from a side lot line: 50 feet

§215-94 Affordable housing requirements.

- A.** Not less than 20% of the total number of units shall be affordable to very-low, low- and moderate-income households. When computation of the affordable housing set-aside percentage results in a fractional unit or decimal, the total set-aside requirement shall be rounded upwards to the next whole number such that the developer shall be required to provide a full additional affordable unit on site.
- B.** Any affordable housing units within the B-AHO Zone must meet all standards for affordable housing, including but not limited to the income limits and income eligibility requirements, affordability average, bedroom distribution, phasing, occupancy standards, affirmative marketing, price/rental restrictions, limits on indebtedness, affirmative marketing requirements, and administration requirements found in the most current Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., and the Borough's Affordable Housing Ordinance in effect at the time of site plan approval.
- C.** The control period for each affordable for-sale unit shall be for a period of at least thirty (30) years calculated from the date the initial certified household takes title to the unit. The control period for each affordable rental unit shall be for a minimum period of at least forty (40) years as calculated from the date the initial certificate of occupancy is issued for each specific affordable unit, respectively following execution of the deed restriction. At the end of the initial control period, the Borough shall retain the right to extend the minimum control period for each affordable for-sale unit and affordable rental unit for an additional period of time in accordance with then applicable law.

- D.** All affordable controls shall be embodied in a deed restriction and/or declaration of restrictive covenants approved by the Borough's municipal housing liaison and municipal attorney.

§215-95 Parking Vehicular Access standards.

- A.** Parking for the inclusionary development on the Inclusionary Lot shall be provided at a minimum ratio of 1.5 spaces per unit. This requirement may be met through a combination of structured and surface parking.-
- B.** Parking stalls for the Inclusionary Lot shall be a minimum of nine feet wide by 18 feet long.
- C.** Electric vehicle charging stations shall be provided pursuant to P.L. 2021, c.171.
- D.** Residents of the inclusionary development shall access the Inclusionary Lot from the Hilltop Road entrance only. Emergency vehicles shall have unimpeded access across both lots.
- E.** The existing driveway entrance from Hilltop Road is permitted to remain and provide access to the Inclusionary Lot.
- F.** The width of the driveway at the narrowest point where the existing columns are located shall be 15 feet, with the driveway entering into the site past the columns to expand from a width of 15 feet to 18 feet where space allows in relation to the existing stone walls. The remaining sections of the driveway shall maintain a width of 20 feet from the end of the expanded portion to the main building. No parking shall be permitted along the access drive.

§ 215-96 Buffer requirements.

- A.** A 40-foot-wide buffer area shall be provided along the Hilltop Road frontage of the Inclusionary Lot. No new development may occur within this buffer area, including below grade wastewater recharge beds. Renovations or expansions of existing outbuildings are permitted in accordance with the bulk table in §215-93 and shall be subject to §215-101C. Improvements to the entry driveway and new signage developed in accordance with this Chapter are exempt from this buffer requirement.
- B.** Within the 40-foot buffer area, landscaping shall be provided through a mix of evergreens and deciduous trees. The landscaped area shall be suitable for its function of site enhancement, screening, and control of climatic effects.
- C.** The landscape buffer design should retain any existing vegetation which is of high quality and appropriate density.
- D.** Where existing vegetation is unsuitable, it shall be augmented or replaced by new plantings in accordance with a landscape plan submitted to and approved by the Joint Land Use Board.

§215-97 Landscaping requirements.

Landscaping of the Inclusionary Lot must be provided to promote a desirable and cohesive natural environment for residents and neighboring properties. Existing mature landscaping should be supplemented as needed to screen new parking and to provide windbreaks for winter winds and summer cooling for buildings, streets, and parking, according to the following standards:

- A.** All landscaping must have a two-year maintenance guarantee. If any planting material dies within two years of planting, it must be replaced the following planting season.
- B.** Tree and shrub replacement. All tree and shrub replacement for the Inclusionary Lot shall not be governed by Chapter 202 but instead shall be subject to §215-96 above and the following requirements. A limit of disturbance line shall be established during the review of an application for development, taking into account grading, utility placement, and anticipated construction activities. Within the area encompassed by the limit of disturbance, there shall be no requirement for the replacement of trees. Within the area to be disturbed by construction activities, the developer shall liberally install trees, shrubs, and groundcover in accordance with a landscape plan submitted to and approved by the Joint Land Use Board.
- C.** Native plants required. In the design of the landscaping plan, no non-native or invasive species of plants shall be used.
- D.** Landscaping should be used to accent and complement buildings and provide for climate control.

§ 215-98 Signage.

The following sign standards shall apply to the Inclusionary Lot:

- A.** Monument signs.
 - 1.** Definition: A sign permanently affixed, anchored, or secured to the ground with the bottom of the sign at ground level or affixed to a base located on the ground.
 - 2.** One permanent two-sided monument sign is permitted at the Hilltop Road entrance to the Inclusionary Lot, identifying the inclusionary development and its address.
 - 3.** One permanent two-sided monument sign is permitted at or near the Inclusionary Lot building's main entrance. The purpose of this sign is to provide building identification while not detracting from the architectural integrity of the building. Such sign shall be oriented internal to the site so that it is not visible from the public right-of-way or off-tract neighbors.
 - 4.** Monument signs shall not exceed six feet in height measured from the average

grade at the base of the sign.

5. Monument sign area shall not exceed 25 square feet per side, exclusive of any base or structural area.
 6. Monument signs shall be setback 8 feet from the front property line.
 7. Monument signs may be externally illuminated with ground mounted lighting that is shielded to direct light on to the sign surface.
- B.** Directional signs are permitted interior to the Inclusionary Lot to provide internal wayfinding for residents and guests. Directional signs shall have a sign area of less than four square feet, shall not be illuminated, and shall be placed in such a manner as not to constitute a hazard to the public.
- C.** One entry canopy identification sign shall be permitted at the building's main entrance. Such sign shall be oriented internal to the site so that it is not visible from the public right-of-way or off-tract neighbors. Such sign may be channel-cut letters not to exceed 12" in height.

§215-99 Lighting Requirements.

- A.** All lighting shall meet §195-47 of the Mendham Borough Code.
- B.** The entrance driveway from Hilltop Road shall be illuminated with either freestanding light poles, light bollards, or by way of reflectors, either on the pavement or on posts offset from the pavement, to mark the edges of the driveway.

§215-100 Building Rehabilitation.

- A.** The Old Motherhouse shall be maintained and rehabilitated to accommodate the inclusionary development. Appropriate and selective demolition of elements may occur, including but not limited to any components that are deteriorated beyond repair and the chapel wing, which was added to the structure in the 1950s.
- B.** Building additions and renovations to the Old Motherhouse are permitted and should be designed in an architecturally sensitive manner, intended to complement the existing structure.

§215-101 Supplemental regulations.

- A.** General.
1. Should there be any discrepancy between this Ordinance and any section of the Borough's Revised General Code, this Ordinance shall govern with respect to the Inclusionary Lot only.
- B.** Wireless Communication Antenna.
1. The existing wireless communication antennas that are located within the Old Motherhouse are permitted to remain in accordance with the conditions of their

original approval subject to the Developer providing adequate proofs to the Joint Land Use Board in accordance with §215-101.F.1.

C. Existing Outbuildings.

1. The Existing Outbuildings shall be permitted to continue the uses that are in effect as of the date of the adoption of this ordinance.
2. The Existing Outbuildings shall be permitted to remain in their existing locations and configurations.
3. Each Existing Outbuilding may be replaced or expanded, provided that such expansion or replacement structure shall not increase the footprint of the Existing Outbuilding by more than 10%, as measured from the date of original adoption of this ordinance. Any such expansion or replacement of an Existing Outbuilding shall not exceed the height of the Existing Outbuilding, as measured at the time of original adoption of this ordinance; and nothing herein shall be read or construed to permit an increase in the height of an Existing Outbuilding.
4. Any such expansion or replacement of an Existing Outbuilding shall be subject to, and be in full compliance with, the bulk standards found herein above for Existing Outbuildings.
5. The Existing Outbuildings shall be permitted to be used for accessory uses customarily incidental to the operations on the Religious Campus Lot or accessory uses customarily incidental to the inclusionary development on the Inclusionary Lot. Notwithstanding same, the Existing Outbuildings shall not be used or converted for use as vehicular parking or recreational amenity space.
6. No new residential units may be added to the Existing Outbuildings.

D. Accessory Uses and Buildings.

1. Accessory buildings may be situated in front of the principal structure of the Inclusionary Lot pursuant to the setback standards found herein. (i.e. an accessory building may sit between the principal structure and Hilltop Road).
2. Utilities, wastewater treatment and disposal systems as well as stormwater management features may extend into setback areas.

E. Steep Slopes. The following shall govern steep slope disturbance on the entire Property inclusive of both the Inclusionary Lot and the Religious Campus Lot. The steep slope regulations of this section shall be applied against future improvements to the Property.

1. The maximum permitted disturbance for slopes 25% to 29.99% shall be 10% of the slope area of the Property, and the maximum permitted disturbance for slopes 30% and greater shall be 7% of the slope area of the Property.
2. With the exception of §215-101.E.1. above, all other standards of Ordinance

Section 215-12.4C are applicable.

F. Exemptions. The following sections of the Mendham Borough Code shall not apply to the Inclusionary Lot only:

1. Section 215-12.6. Wireless telecommunications technology, except that Developer shall submit competent documentary proof that the pre-existing cell antenna's operation is in compliance with applicable FCC and NJDEP radio frequency exposure limits with respect to the future occupants of the Inclusionary Development as part of its application to the Joint Land Use Board.- The Joint Land Use Board may retain its own consultant to review and opine upon the report to be submitted by the Developer.
2. Section 195-45.K(2) Concrete Sidewalks. Instead, the developer will ensure that there is adequate pedestrian access to all entrances and amenities of the development.-
3. Section 195-46. Off-street loading requirements. Instead, one loading space shall be provided.
4. Section 205-6 Tree removal standards. Instead, the developer will be bound by Sections 215-96 and 215-97.

§ 215-102 Other requirements remain in effect.

All other regulations and requirements of the underlying zone not in conflict with these provisions shall remain in effect.

SECTION 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough of Mendham, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of Mendham are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. The Borough Clerk is hereby directed to give notice at least ten days prior to hearing on the adoption of this Ordinance to the County Planning Board and to all other persons entitled thereto pursuant to N.J.S.A. 40:55D-15 and N.J.S.A. 40:55D-63.

SECTION 5. After introduction, the Borough Clerk is hereby directed to submit a copy of the within Ordinance to the Joint Land Use Board of the Borough of Mendham for its review in accordance with N.J.S.A. 40:55D-26 and N.J.S.A. 40:55D-64. The Joint Land Use Board is directed to make and transmit to the Borough Council, within 35 days after referral, a report including identification of any provisions in the proposed ordinance which are inconsistent with the master plan and recommendations concerning any inconsistencies and any other matter as the Board deems appropriate.

SECTION 6. Upon the adoption of this Ordinance after public hearing thereon, the Borough Clerk is further directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Morris County Planning Board as required by N.J.S.A. 40:55D-16. The Clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Borough Tax Assessor as required by N.J.S.A. 40:49-2.1.

SECTION 7. This ordinance shall take effect upon publication and in accordance with the law.

Public Hearing: Mayor Kelly opened the public hearing.

Doris JU, 435 Bernardsville Rd, speaking on behalf of Friends of Mendham, urged the Council to postpone adoption of Ordinance 09-2026 concerning redevelopment zoning for the Sisters of Christian Charity property. She stated that a historic preservation consultant recently determined the property may be eligible for listing on the New Jersey and National Registers of Historic Places due to its significance as a largely intact Gilded Age estate and the architectural importance of the Mallinckrodt Convent and bell tower. Ms. Ju noted that a formal application will soon be submitted to the State Historic Preservation Office and argued that the Borough should fully evaluate the property's historic significance before advancing redevelopment plans. She requested that consideration of the ordinance be delayed and provided the Council with a copy of the consultant's report.

William Ju, 435 Bernardsville Rd, speaking on behalf of Friends of Mendham, expressed support for affordable housing but requested that Ordinance 09-2026 be tabled for further review. He argued that the proposed redevelopment of the Sisters of Christian Charity property may be inconsistent with the Borough's 2006 Master Plan and 2015 Land Use Element Amendment, citing concerns regarding density, infrastructure impacts, environmental protections, and preservation of the historic property. Mr. Ju asked the Council to either postpone adoption of the ordinance for additional analysis or clearly state on the record its rationale for adopting the ordinance despite the concerns raised. He submitted supporting documents for the record.

David Budd of Morristown urged the Council to table Ordinance 09-2026 until outstanding questions regarding the proposal are resolved. He acknowledged the challenges the Council faces in balancing affordable housing obligations with community concerns and stated that the issue is complex with no easy solution. Mr. Budd suggested exploring alternative sites that may be better suited for the proposed development and encouraged the Council to carefully consider whether redevelopment of the Sisters of Christian Charity property is the best option. He concluded by wishing the Council well in its decision-making process.

Gail Wragg, 425 Bernardsville Rd, speaking on behalf of Friends of Mendham, urged the Council to postpone adoption of Ordinance 09-2026 until cumulative studies evaluating the combined impacts of the Sisters of Christian Charity redevelopment, the VP apartment project, and the proposed Daytop development are completed. She expressed concerns regarding potential effects on traffic, parking, emergency services, schools, infrastructure, and the Borough's character, and requested independent analyses and additional review of submitted reports

concerning master plan consistency and historic preservation.

Michael Simoff, Pembroke Drive expressed sympathy for the Council's position in addressing state affordable housing mandates and acknowledged the Borough's unsuccessful efforts to challenge those requirements through litigation. He stated that while compliance may be necessary, the Council should avoid signaling unconditional acceptance of future state demands. Mr. Simoff encouraged the Council to accompany any approval with a formal record of the Borough's concerns, including infrastructure impacts and objections to the methodology used to determine affordable housing obligations. He urged the Council to comply with state requirements while preserving the Borough's position and rights for future discussions and challenges.

Julia Somers, Executive Director of the New Jersey Highlands Coalition, urged the Council to postpone action on Ordinance 09-2026 until Mendham completes additional steps in its Highlands Regional Master Plan conformance process. She explained that the recently adopted State Development and Redevelopment Plan guides state agency decisions and that future permits required for the proposed development would be evaluated for consistency with the Highlands Regional Master Plan. Ms. Somers stated that proceeding before understanding the effects of Highlands conformance could result in unnecessary costs and delays if required state permits are ultimately found to be inconsistent with regional planning requirements. She encouraged the Council to allow the conformance process to continue before making a final decision on the ordinance.

Loren Laquerre, 14 Balbrook Drive expressed concerns about wastewater treatment and environmental impacts associated with the proposed redevelopment of the Sisters of Christian Charity property. She noted that the project would rely on a private wastewater system and questioned whether the proposed increase in density had been fully evaluated in relation to the site's environmental constraints, including steep slopes, stream buffers, groundwater recharge areas, and wellhead protection areas. Ms. Laquerre requested that the Borough fully assess and publicly disclose the impacts of wastewater disposal, environmental protections, and long-term maintenance responsibilities before adopting an ordinance that establishes development density and standards for the property.

Ron Weisman referenced a letter he previously submitted to the Borough regarding stormwater management and thanked Borough officials for their prompt and detailed response. He noted that an updated Stormwater Management Plan is expected in 2026 and expressed interest in reviewing how it will address future development requirements. Mr. Weisman raised concerns about the condition and maintenance of stormwater detention and retention basins associated with the Colt Hill Professional Center and the Coventry development. He described past flooding and erosion impacts on his property, which he believes resulted from increased impervious surfaces and concentrated stormwater flows in the area. He encouraged continued public review of stormwater planning documents as future development proposals are considered.

The Mayor closed the public comment period.

Borough Attorney Fred Semrau provided an overview of the Borough's affordable housing compliance process and the circumstances leading to consideration of Ordinance 09-2026. He

explained that the Borough is operating under state-mandated deadlines and that failure to act could jeopardize the Borough's immunity from builder's remedy lawsuits and result in the loss of local zoning control. Mr. Semrau reviewed the Borough's efforts to challenge state affordable housing requirements, reduce its assigned obligation, and exclude the Sisters of Christian Charity property from its affordable housing plan. He noted that, following litigation and court-ordered mediation, the court indicated the Borough's plan would not be approved without inclusion of the property. He explained that adoption of the ordinance would not approve any development application, but would establish zoning parameters while all required land use, environmental, traffic, utility, and state agency approvals would still need to be obtained. Mr. Semrau also outlined measures taken by the Borough to limit development density, including agreements affecting both the Sisters of Christian Charity and Daytop properties, and stated that failing to adopt the ordinance could expose the Borough to the risk of higher-density development and loss of local control. Mayor Kelly commented on the Borough's unsuccessful legal efforts to challenge the requirements and emphasized the risks associated with losing immunity under state affordable housing laws.

Ordinance #09-2026 for final passage and adoption:

Motion: Council Member Sullivan
Second: Council Member Henry Traut
Ayes: Bruin, Henry Traut, Neff, Russo, Sullivan

8. RESOLUTIONS

**#121-2026 RESOLUTION RATIFYING AND AUTHORIZING EXECUTION OF A
SIDEBAR AGREEMENT BETWEEN THE BOROUGH OF MENDHAM AND
MENDHAM BOROUGH PBA LOCAL 384**

Motion: Council Member Russo
Second: Council Member Henry Traut
Ayes: Bruin, Henry Traut, Neff, Russo, Sullivan

**#122-2026 RESOLUTION AWARDING BID FOR THE EXTERIOR RESTORATION OF THE
PHOENIX HOUSE TO PARAGON RESTORATION CORP**

Motion: Council Member Neff
Second: Council Member Sullivan
Ayes: Bruin, Henry Traut, Neff, Russo, Sullivan

#123-2026 RESOLUTION APPROVING THE RENEWAL OF LIQUOR

LICENSES FOR THE 2026-2027 LICENSING TERM

Motion: Council Member Henry Traut

Second: Council Member Bruin

Ayes: Bruin, Henry Traut, Neff, Russo, Sullivan

#124-2026 RESOLUTION OF THE MAYOR AND BOROUGH COUNCIL OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, AND STATE OF NEW JERSEY, AUTHORIZING A 90-DAY EXTENSION OF THE BOROUGH'S EMPLOYMENT AGREEMENT WITH BOROUGH PUBLIC SAFETY DIRECTOR WILLIAM F. CRAIG, JR.

Motion: Council Member Russo

Second: Council Member Bruin

Ayes: Bruin, Henry Traut, Neff, Russo, Sullivan

#125-2026 RESOLUTION APPOINTING KELSEY RYAN AS SUBSTITUTE FIRE OFFICIAL IN THE BOROUGH OF MENDHAM FIRE PREVENTION BUREAU FOR THE PERIOD JUNE 15, 2026 TO DECEMBER 31, 2026

Motion: Council Member Henry Traut

Second: Council Member Sullivan

Ayes: Bruin, Henry Traut, Neff, Russo, Sullivan

#126-2026 RESOLUTION AUTHORIZING THE REFUND OF PAYMENT RECEIVED FROM VARIOUS REGISTRANTS FOR THE 2026 MENDHAM DAY CAMP PROGRAM

Motion: Council Member Henry Traut

Second: Council Member Bruin

Ayes: Bruin, Henry Traut, Neff, Russo, Sullivan

#127-2026 RESOLUTION OF THE MAYOR AND COUNCIL OF THE BOROUGH OF MENDHAM AUTHORIZING THE ENVIRONMENTAL COMMISSION (ECCOST) TO APPLY FOR THE 2026 MCMUA RECYCLING ENHANCEMENT MINI-GRANT PROGRAM

Motion: Council Member Bruin

Second: Council Member Russo

Ayes: Bruin, Henry Traut, Neff, Russo, Sullivan

9. ADMINISTRATOR OPERATIONS REPORT

Administrator Bushman announced that the historic Cary Farm grandfather clock was delivered to the Garabrant Center on June 8. The clock was built in 1777 by Revolutionary War Captain Dodd, who served under George Washington, and was donated by a descendant of the Cary family. The clock was highlighted as a unique local artifact connected to the Revolutionary War era and the Borough's 250th anniversary celebration. Residents were invited to view the clock at the Garabrant Center.

10. COUNCIL REPORTS

Council Member Neff, Chair of the Public Works and Utilities Committee, reported that the DPW has been busy responding to storm-related cleanup, including removal of fallen branches and brush. Efforts continue to coordinate with JCP&L and Verizon to relocate power lines near the Cary Barn to allow restoration work to proceed safely. The Borough plans to pave Ironia Road in August, with most of the project funded through grants. The fountain at the Mud Hole was replaced after repeated repairs to the previous unit. The pond liner integrity test has been completed, and preliminary findings indicate the liners will likely need replacement. The Borough also completed its annual street sweeping through a cooperative agreement with Mendham Township, resulting in cost savings. An update was also provided on Highlands conformance efforts, with meetings planned to help advance the process and establish a timeline.

During Council discussion, a question was raised regarding the expected lifespan of the pond fountain, and it was noted that sediment buildup and debris can contribute to maintenance and operational issues.

Council Member Russo, Chair of the Personnel Committee, had nothing to report.

Council Member Henry Traut, Chair of the Land Use Committee, thanked ECCOST members Steve and Jackie for their efforts in preparing the Morris County MUA grant application and supporting environmental projects in the Borough. She reported that the Historic Preservation Commission meeting was canceled and noted that Friends of Mendham's presentation regarding its historic preservation findings has been rescheduled for next month. The Joint Land Use Board met on Tuesday. The V-Fee application was carried to the July 21 meeting. The Daytop property application was deemed complete, and the public hearing is scheduled to begin at the August 18 meeting. Residents were encouraged to attend and participate in the hearing process. As potential new business, Councilwoman Henry Traut suggested the Borough consider reviewing ordinances adopted by other municipalities to regulate or restrict data center development and raised the topic for future Council discussion.

Council Member Bruin, Chair of the Recreation and Parks Committee, reported that the school year has ended and summer camp programs will begin next week. The Borough's summer concert series will kick off on June 28 at the Gazebo, featuring Carnaby Street. The Labor Day Parade logo contest has closed, and the Recreation Committee is reviewing submissions. The winning design will be announced and used for this year's parade. The baseball dugout improvement project was completed and painted, with thanks extended

to Councilman Sullivan and community volunteers for their efforts. Councilman Bruin also met with resident Ron Weisman at Tranquility Park to discuss potential future improvements, expanded amenities, and the possibility of a veterans dedication. These ideas remain preliminary and will be discussed further by the Recreation Committee. He encouraged residents to attend Recreation Committee meetings and provide input on community recreation initiatives. He also reported that school construction projects continue and that he plans to meet with school board leadership to review the past year and discuss ongoing construction efforts. He concluded by wishing residents a happy summer.

Council Member Sullivan, Chair of the Finance Committee, reported that the Finance Committee plans to schedule a meeting to begin discussing the 2027 budget and financial outlook, including a general review of current financial matters and priorities. No further report was provided.

11. MAYOR'S ITEMS

Mayor Kelly reported that The Mayor reported attending the Relay for Life event hosted by West Morris Mendham and West Morris Central High Schools in Chester. He noted strong participation by students and families and commended the event's success in raising funds for cancer research. The Mayor also provided updates on ongoing Borough projects, including sidewalk replacement work at the Police Department, praising the contractors for their efforts during hot weather conditions. In addition, he noted visible progress on restoration work at the Cary Barn, including the placement of a dumpster and commencement of construction activities.

12. PUBLIC COMMENTS

This is an opportunity for the public to comment on any matter or concern. To ensure that every citizen has an opportunity to speak, the Mayor will recognize the individual and ask them to state 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 four minutes. Please note that Public Comments do not follow a question-and-answer format; however, a member of the Governing Body may offer a brief response when it is helpful to do so.

Gerald Gorman of Bernardsville Road spoke as a resident and not on behalf of Friends of Mendham. He expressed appreciation for the Council's passion, support for preserving Mendham's character, and commitment to the community. Mr. Gorman stated that he was encouraged by the discussion and information shared during the meeting and thanked the Mayor and Council for their efforts on behalf of the Borough.

13. APPROVAL OF VOUCHERS

Bills List dated June 17, 2026.

Motion: Council Member Bruin

Second: Council Member Russo

Ayes: Bruin, Henry Traut, Neff, Russo, Sullivan

14. ADJOURNMENT

Having no further business, Mayor Kelly asked for a motion to adjourn the meeting at 9:08 pm.

Motion: Council Member Neff

Second: Council Member Russo

Ayes: Bruin, Henry Traut, Neff, Russo, Sullivan

The next meeting of the Mendham Borough Mayor and Council will take place on, July 15, 2026, 7:00 PM, at the Garabrant Center Mendham, NJ 07945

Respectfully Submitted:

Lauren McBride, RMC

Borough Clerk

The Borough of Mendham

