



TOWNSHIP OF MENDHAM
2 WEST MAIN STREET P.O. BOX 520
BROOKSIDE, NEW JERSEY 07926

January 23, 2025

Commissioner Jacquelyn A. Suárez
Department of Community Affairs
PO Box 800
Trenton, NJ 08625-0800

Re: Fourth Round Affordable Housing Numbers

Commissioner Suárez,•

Mendham Township has carefully reviewed Assembly Bill 4 and Senate Bill 50, the state-mandated affordable housing obligations. As elected officials, we understand the pressing need for affordable housing in New Jersey and support the goal of building housing options for people of all income levels and needs. We also believe this goal should be met while balancing the different needs and constraints of our state's 564 municipalities, including the protection of environmentally sensitive resources, wildlife habitats, and historically preserved neighborhoods.

As a community, we have taken actions to provide housing for individuals throughout their lifecycle. We have ordinances that allow for accessory apartment-use so our seniors can age in place alongside their families. We have rentals that provide housing to our emergency services staff and volunteers. We have renewed the affordable units that have made up neighborhoods in our community for decades. Most recently, with your department's approval (letter dated 12/02/2024), we have begun creating a Redevelopment Plan for Block 143, Lot 7 in the township with the hope of creating more affordable units. Finally, we are in the process of taking a full inventory of our rental units in the township to ensure we are reporting the correct numbers to your office, as well as investigating possible ordinance updates for additional accessory units/structures that comply with historic and conservation-focused planning requirements outlined in Section 2(tc) of the A4 Bill and green initiatives.

Unfortunately, the Fourth Round Affordable Housing Number given to Mendham Township of 120 units, calculated by the Department of Community Affairs (DCA), is not achievable given that the vacant property in Mendham Township is encumbered by environmental constraints and/or state and federal historic district designation.

Mendham Township is fully contained in state Environmentally Sensitive Planning Area Five (PA 5) as per the State Development and Redevelopment Plan (SDRP) as well as the Highlands Council Planning Area, wherein most of the Township (73.8%) is in Highland's Protection Zone. The intent of the SDRP is to safeguard environmental resources through the protection of large contiguous areas. Overall, approximately 98% of all land in Mendham Township is constrained by one or many of the Highlands environmental resources such as open water protection areas, riparian areas, moderate and severe slopes, critical habitats, carbonate rock areas, prime ground water resource areas, wellhead protection areas, lake management areas, forest resource areas, and agricultural resource areas. In fact, Mendham Township is home to and maintains the headwaters of the Passaic, Raritan, and Whippany Rivers, which provide drinking water to over six million New Jersey residents. Regionally based environmental interest groups, such as the Great Swamp Watershed Association, have been focused on protecting these headwaters since they directly impact the water quality and quantity downstream and could contribute to the risk of flooding in the river basins.

The numerous rivers and streams in the township are classified by the New Jersey Department of Environmental Protection (NJDEP) as "trout production" or "trout maintenance", the highest quality classifications. The high quality of these watershed resources in the township directly influences water quality downstream in the basins and the Refuge. In Mendham Township, 4,447.0 acres, or 38.6% of the Township surface area, is located within Highlands Open Water Protection Area, which includes all springs, wetlands, intermittent or ephemeral streams, perennial streams, and bodies of surface water requiring a 300-foot protection area buffer.

Due to this, our land-use ordinances uphold stringent standards to protect water quality, manage stormwater effectively, and preserve critical habitats, ensuring compliance with statutory environmental requirements.

Also importantly, the township does not provide public sewers. All properties utilize individual septic systems with the exception of two neighborhoods and a townhome development that utilize package treatment plants. The two neighborhoods were constructed in the 1980s and 1990s and are completely built out with no excess capacity (per NJDEP permits).

Furthermore, much of the land that is vacant or public property is within the Highland's Conservation Zone or Protection Zone, where major developments are limited.

Mendham Township is also home to five districts that have been registered as historic areas with the state or federal agencies. These districts, covering a total area of 2,297.3 acres, or 19.9% of the Township, recognize the historical significance of the narrow, curvilinear roadscapes, historic structures and sites, and ancient trees. Attached to this letter is a report taken from the Township's Master Plan for Historic Preservation.

Our Township Planner, Sanyogita Chavan from H2M Associates, Inc., has completed a report, which also is appended to this letter. The report concludes that there are zero acres of buildable land in Mendham Township. She also points out that there are parcels and properties that DCA inappropriately included in their calculations for the Land Capacity Factor and Equalized Non-Residential (NR) Valuation Factor.

In addition to that analysis, Mendham Township is providing information about our area's environmentally sensitive zones. We also show how a slightly different algorithm (the "geometric mean") for calculating the affordable housing obligation better reflects Mendham Township's lack of developable land and the constraints on using existing land more intensively.

Supporting documents to this letter included in Mendham Township's response are below:

1. A Resolution passed by the Township of Mendham rejecting the Fourth Round Affordable Housing Numbers given to Mendham Township of 120 units.
2. A report from H2M Associates that reviews the statutory calculations, provides an analysis of the Land Capacity Factor and Equalized NR Valuation Factors, and a current Vacant Land Analysis for the Township of Mendham.
3. The next section provides an alternative calculation of affordable housing numbers that reflects the inelastic supply of land in Mendham Township.
4. The following section and letter attached provide an overview of the various environmental factors and attributes of Mendham Township.
5. The final section and supplemental document contain an overview of the township's Master Plan for Historic Preservation.

In conclusion, the vast majority of vacant or public property within the township is within the Highland's Conservation Zone or Protection Zone where major developments are limited. As such, there are no lots in Mendham Township that can be realistically developed. A target of 30 affordable housing units represents a realistic and achievable obligation for Mendham Township, as it aligns with the township's demonstrated development capacity under existing environmental, historic, and infrastructure constraints. Data from past development trends, as well as the township's analysis of buildable land constrained by steep slopes, wetlands, and septic limitations, show that only limited parcels are viable for construction without significant environmental degradation or violation of preservation laws. This adjusted target ensures compliance with affordable housing requirements while maintaining sustainability and protecting the township's ecological and historical resources.

In light of the unique environmental, historic, and infrastructure constraints outlined in this letter, Mendham Township respectfully urges the DCA to reconsider and reduce the township's affordable housing obligation to a realistic and sustainable level. Our proposed reduction reflects a fair and balanced approach that complies with state and federal preservation laws, aligns with the principles of sound planning under the Highlands Act and the SDRP, and ensures the protection of vital natural and historic resources for future generations.

Mendham Township remains committed to meeting its affordable housing responsibilities in good faith while safeguarding the unique character and ecological integrity of our community. We welcome the opportunity to collaborate with the DCA to explore innovative solutions that balance housing needs with environmental and historic preservation. By adopting the township's recommendation, the DCA can ensure that development is both equitable and sustainable, creating a legacy of responsible planning that benefits all stakeholders.

Sincerely,

Sarah Neibart
Mayor, Mendham Township

Nick Monaghan
Deputy Mayor, Mendham Township

Amalia Duarte
Committeewoman, Mendham Township

Lauren Spirig
Committeewoman, Mendham Township

Tracey Moreen
Committeewoman, Mendham Township

H2M Summary:

Mendham Township is entirely within the State Environmentally Sensitive PA 5. The township is also entirely within the Highlands Council Planning Area. Since the middle of 2024, the township has been going through the Highlands-conforming process. Regardless of current conformance-status, the PA 5 and Highlands Council Planning Area's Protection and Conservation Land Capability Zones are not areas in which development or redevelopment are encouraged pursuant to State law or regulation.

DCA identified 3.26 acres in Mendham Township as developable land. These developable lands are purportedly vacant lands that exclude environmental constraints, and non-qualified land uses and property classes. In Mendham Township, the tax parcels that contain DCA's identified developable land are Block 127, Lot 71; Block 145.02, Lot 26; and Block 145.04, Lot 42. However, these parcels, as illustrated in the attached maps in Appendix A, are small slivers that cannot be realistically developed. Furthermore, the properties containing identified vacant land are non-developable because they are open space and trails (Block 127, Lot 71), preserved open space for a housing development (Block 145.02, Lot 26), or open space owned by Drakewick Homeowners Association (Block 145.04, Lot 42).

Since these parcels are neither vacant nor developable, the Land Capacity Factor should be reduced from "0.06%" to "0.00%". This adjustment would lower the total housing obligation for Mendham Township by four from 120 units to 116 units.

The Non-Residential (NR) Valuation Factor as calculated by the DCA for Mendham Township is relatively low for Region 2 at 0.018%." This is evident as the township is predominantly a residential community. However, there are properties that should not have been included in the DCA Calculations. We compared the DCA valuation of commercial and industrial properties to valuation provided by NJ Property Fax.

The DCA NR Valuation calculations included utilities and utilities rights-of-ways in the 1999 and 2023 list of commercial and industrial property valuations. As reported by the DCA, the total valuation of commercial and industrial properties in 2023 was \$11,557,500 and \$2,700, respectively. The total valuation of commercial and industrial properties in 1999 was \$6,754,900 and \$2,400, respectively. Parcels containing utilities or utilities rights-of-way were removed from this calculation. This lowered the 2023 commercial valuation to \$10,051,000 and the 2023 industrial valuation to \$0. Furthermore, the 1999 commercial valuation was reduced to \$5,894,700 and the 1999 industrial valuation to \$0. By removing utilities and utility rights-of-way, the NR Valuation Factor reduced slightly to 0.016%. This further reduces Mendham Township's obligation by one unit to 115 units.

Accounting for the Inelastic Supply of Land:

As we have discussed, Mendham Township has *zero* vacant land available for development. Consequently, the only way to create additional affordable housing is to use land more *intensively*. As discussed, however, environmental rules and other regulations severely constrain the intensity of existing land use. In economic terms, these two considerations (the lack of developable land and the constraints on intensity of use) make the supply of land in Mendham Township almost perfectly "inelastic." That is, there is very little capacity for development.

The affordable housing number of 120 allotted to Mendham Township does not reflect this severe inelasticity of land supply. Indeed, as mentioned in the previous section, even using a Land Capacity factor of zero, the affordable housing number would still be 116 units. We suspect that any algorithm which properly reflected the inelasticity of land supply would result in a significantly lower number for affordable housing in Mendham Township.

To help illuminate the role of the supply of land, we considered a small modification of the DCA algorithm. To ensure comparability, we use the identical three factors as the DCA. However, rather than taking their *arithmetic mean*, which puts equal weight on all three factors, we employ their *geometric mean*. Specifically, the arithmetic mean sums the three factors and divides them by three, while the geometric mean multiplies the three factors and takes the third root of their product. Importantly, when any factor is zero, the geometric mean also is zero, but the arithmetic mean would be positive so long as the sum of the three factors is positive. For municipalities like Mendham Township, with a Land Capacity at or near zero, the geometric mean better captures the inelasticity of land supply.

How much might this matter? For comparison, we kept Region 2's total prospective need fixed at 20,506 (as in the state's calculation). Thus, compared to the state's approach, our calculation merely re-distributes the prospective need among Region 2 municipalities. Because the geometric mean is always less than or equal to the arithmetic mean, we apply a multiplicative adjustment to each municipality's prospective need calculation to ensure that the sum of region 2 municipalities equals 20,506. Using this simple approach, we estimated that adjustment factor at 2.145.

Under DCA's calculation, Mendham Township has a prospective need of 120. Using the geometric mean approach just described to make a rough estimate, the prospective need of Mendham Township sinks to 53. Admittedly, this initial calculation results in some communities with a prospective need above 1,000. To cap their prospective need, a further round of adjustment would need to be applied to ensure that the sum of Region 2 municipalities' prospective needs still sum to 20,506. Even so, it seems clear that the prospective need of Mendham Township would decline substantially when using this geometric mean approach. Moreover, lowering the Township's Land Capacity factor all the way to zero (as suggested in the previous section) would lower the estimated prospective need further.

Collectively, for municipalities like Mendham Township, these considerations make a strong case for calculating affordable housing needs by applying an algorithm (such as the geometric mean) that better reflects the inelasticity of land supply.

Additional Environmental Analysis:

The proposed DCA numbers contradict the mandates of both the amended affordable housing laws and the SDRP, which emphasize balancing development with conservation.

Given Mendham Township's location within a region of substantial environmental significance, including its proximity to Highlands-protected lands, the township's unique environmental attributes must be given elevated consideration when determining affordable housing obligations. These attributes underscore the necessity of balancing housing goals with long-term environmental sustainability.

Mendham's unique environmental assets justify heightened scrutiny of the proposed methodology and alternative planning approaches.

Mendham Township's adherence to the SDRP prioritizes the preservation of environmentally sensitive areas, including Highlands-adjacent lands and riparian zones. These critical areas must be safeguarded from intensive development to maintain ecological balance and align with smart growth principles.

Achieving consistency with the SDRP requires recognizing and safeguarding Mendham Township's invaluable natural and environmental assets. All future affordable housing developments must undergo rigorous environmental assessments to ensure they do not compromise critical resources such as the Raritan, Passaic, and Whippany River headwaters or the township's fragile ecosystems.

Historic Preservation Analysis:

The proposed DCA numbers also contradict the mandates of both the amended affordable housing laws and the SDRP, which emphasize balancing development with Historic Preservation.

Given the presence in Mendham Township of five districts of historic significance, including its curvilinear roadways and Ancient Trees both within and outside of historic districts, the township's unique historic attributes must be given elevated consideration when determining affordable housing obligations. These attributes underscore the necessity of balancing housing goals with long-term historic preservation imperatives.

Mendham's unique historic assets justify heightened scrutiny of the proposed methodology and alternative planning approaches.

Mendham Township's adherence to the SDRP prioritizes the preservation of historically sensitive areas. These critical areas must be safeguarded from intensive development to maintain ecological balance and align with smart growth principles.

Achieving consistency with the SDRP requires recognizing and safeguarding Mendham Township's invaluable Historic assets. All future affordable housing developments must undergo rigorous assessments to ensure they do not compromise the historically important resources located throughout the Township, both within and outside of the five registered historic districts.

RESOLUTION-2025-038
RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM
PURSUANT TO THE FAIR HOUSING ACT (FHA) REJECTING THE DEPARTMENT OF COMMUNITY
AFFAIRS FOURTH ROUND PROSPECTIVE NEED ALLOCATION FOR MENDHAM TOWNSHIP

WHEREAS, on March 20, 2024, Governor Murphy approved legislation creating a new process for municipalities to follow in order to comply with the Mount Laurel Doctrine; and

WHEREAS, the State of New Jersey is under a constitutional mandate that each municipality is obligated to create a realistic opportunity for development of sufficient low- or moderate-income housing to meet its allocated fair share; and

WHEREAS, this legislation is known as assembly bill A-4; and

WHEREAS, A-4 attempts to provide clarity to the methodology for qualifying Municipal Fair Share Obligations (present and prospective need); and

WHEREAS, with respect to the Fair Share Obligation of the Township of Mendham, the Department of Community Affairs did issue an advisory report regarding the present and prospective need obligations for the Township; and

WHEREAS, said report determined that Mendham Township had no present need and was assigned a prospective need figure of 120 affordable dwelling units; and

WHEREAS, upon receipt of that report from the Department of Community Affairs, the Township of Mendham did undertake its own determination with respect to present and prospective need calculations; and

WHEREAS, Mendham Township has undertaken a detailed study of available land and other practical and logistical issues with respect to this obligation included a vacant land analysis, analysis of environmental constraints (Planning Area 5 and Highlands Planning Area Conformance), the lack of availability of public sewers, the lack of a public water supply, the need to protect valuable water resources such as aquifers and headwaters; and

WHEREAS, Mendham Township did arrive at the conclusion which differs from that of the Department of Community Affairs; and

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Mendham that the Affordable Housing obligation assigned to Mendham Township of 120 units is hereby rejected; and

BE IT FURTHER RESOLVED, that the Township of Mendham has determined that its Fair Share obligation should consist of 30 units of affordable housing; and

BE IT FURTHER RESOLVED, that underlying support for this resolution is contained in the letter from the Mayor and Township Committee dated January 23, 2025, and the attachments thereto all of the foregoing having been submitted with this resolution to the Department of Community Affairs.

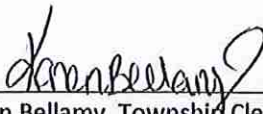
Resolution 2025-038 continued

The foregoing is a true and accurate copy of the resolution adopted by the Township Committee of the Township Mendham at its meeting held on January 23, 2025.

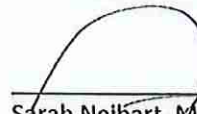
Adopted: January 23, 2025

Attest:

TOWNSHIP OF MENDHAM,
IN THE COUNTY OF MORRIS

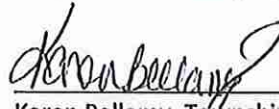


Karen Bellamy, Township Clerk



Sarah Neilbart, Mayor

CERTIFICATION: I, Karen Bellamy, Township Clerk of the Township of Mendham, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution adopted by the Mendham Township Committee at a meeting held on January 23, 2025



Karen Bellamy, Township Clerk

DCA Fourth Round Affordable Housing Analysis

Township of Mendham

January 21, 2025



Prepared by:



H2M Associates, Inc.
119 Cherry Hill Road, Suite 110
Parsippany, NJ 07054

The original of this report was signed and sealed in accordance with N.J.S.A. 45:14A-12

Sanyogita Chavan, AICP, PP #33LI00593300

Prepared for:
The Township of Mendham

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Executive Summary

This report provides a brief overview of the Department of Community Affairs (DCA) Fourth Round Prospective Need ("Affordable Housing Obligation") and analysis of DCA's methodology to calculate the same. DCA utilized the following three factors to calculate the obligation: land capacity; median income; and non-residential valuation for the region, which includes municipalities in the four counties (Essex, Morris, Union, and Warren).

H2M evaluated the accuracy of the DCA information and identified land parcels and properties that the DCA inappropriately included in their calculations for the *Land Capacity Factor* and *Equalized Nonresidential Valuation Factor*. The DCA's Affordable Housing Obligation for Mendham Township is 120 units for the 2025-2035 period. In this analysis, we removed the parcels and properties that should not have been included in DCA's calculations. In doing so, the affordable housing obligations reduced to **115 affordable units** from DCA's calculation of **120 affordable units**. The analysis, calculations, and methodology are explained in this report. Additionally, this document provides an overview of the available vacant land and environmental constraints in the Township.

Analysis of DCA's Methodology

Housing Region

Mendham Township is within *Housing Region 2*, which includes municipalities in Essex, Morris, and Warren Counties. A municipality's *Housing Region* is one of the most important factors in determining the affordable housing obligation. The final affordable housing obligation is influenced by many characteristics of a *Housing Region* such as the total developable land, the change in the total households from 2010 to 2020, the total valuation of commercial and industrial properties, and the median income of the Housing Region and of each municipality. Additionally, the municipality with the lowest median household income in a Housing Region is used to determine the *Income Floor* for the region. The *Income Floor* refers to a variable used in the *Income Capacity Factor* calculations. This is set at \$100 less than the lowest median income of all the municipalities in a *Housing Region*.

The Regional Prospective Need and the Lowest Median Income are part of the calculations discussed in this memo. These are illustrated in **Table 1** and **2**, below.

Table 1

Regional Prospective Need Obligations by Housing Region

Housing Region	Counties	Regional Prospective Need	2010 Households - Decennial Census	2020 Households - Decennial Census	Change	Change Divided by 2.5 (Assumed Low- and Moderate- Income Household Growth)
1	Bergen, Hudson, Passaic, and Sussex	27,743	803,704	873,062	69,358	27,743
2	Essex, Morris, Union, and Warren	20,506	693,844	745,108	51,264	20,506
3	Hunterdon, Middlesex, and Somerset	11,604	446,114	475,123	29,009	11,604
4	Mercer, Monmouth, and Ocean	13,822	588,249	622,803	34,554	13,822
5	Burlington, Camden, and Gloucester	9,134	461,569	484,404	22,835	9,134
6	Atlantic, Cape May, Cumberland, and Salem	1,889	220,880	225,602	4,722	1,889
TOTAL		84,698	3,214,360	3,426,102	211,742	84,698

Table 2

Lowest Median Income by Housing Region

Housing Region	Lowest Median Household Income	Lowest Income Municipality in Region
1	52,092	Paterson city
2	46,360	Newark city
3	56,139	Perth Amboy city
4	44,344	Trenton city
5	36,158	Camden city
6	29,721	Penns Grove borough

Land Capacity Factor and Developable Lands Identified by the DCA

The *Land Capacity Factor* is calculated for each municipality by determining the total developable acreage, which is calculated by utilizing the most recent land use / land cover (LULC) data from the NJDEP, the most recent (2024) MOD-IV Property Tax List data from the Division of Taxation in the Department of the Treasury, and construction permit data from the Department of Community Affairs. Additionally, the determination of developable land excludes tax parcels with a property class code that did not correspond to land classified as vacant land (public or privately owned) or qualified farmland. Also, lands that contain environmental constraints such as wetlands, areas with steep slopes over 15%, and open waters were excluded. The legislation also requires application of "weights" to developable lands based on the planning area type to protect environmentally sensitive areas. Mendham Township is entirely within the State Environmentally Sensitive Planning Areas (PA 5) which is weighted as "0." The Township is also entirely within the Highlands Council Planning Area but was not a Highlands-conforming municipality at the time of the DCA analysis. This means that all developable lands in Mendham Township are weighted as "1." Regardless of the conformance-status, because development is limited in Highland's Planning Areas, these lands are excluded from the DCA's determination of developable land and the *Land Capacity Factor* calculations. Thus, in Mendham Township, only lands within the Highlands Existing Community Zone were included in the calculations. As per the Highlands, this zone consists of areas of concentrated development representing existing communities. These areas tend to have limited environmental constraints due to previous development patterns and may have existing infrastructure that can support additional development and/or redevelopment.

Table 3

Parcels Containing DCA Identified Developable Land							
BLOCK, LOT	Property Class	Zone	Location	Property Use	Parcel Area (Acre)	DCA Developable Land Area (Acre)	% of Parcel Area that is DCA Developable Land
127, 71	15C	R-10	Woodland Rd.	Open Space & Trails	48.04	0.27	0.57%
145.02, 26	15C	CR-2	Tempe Wick Rd	Preserved Open Space	9.62	1.51	15.73%
145.04, 42	1	CR-2	Tempe Wick Rd	Drakewick HOA Open Space	3.86	1.47	38.11%
				Total Area:	61.53	3.26	

As seen in Table 3, the DCA identified only 3.260 acres in Mendham as Developable Land. These developable lands are purportedly vacant lands that exclude environmental constraints and non-qualified land uses and property classes. In Mendham Township, the tax parcels that contain DCA identified Developable land are Block 127, Lot 71; Block 145.02, Lot 26; and Block 145.04, Lot 42. However, these parcels, as illustrated in the attached maps in Appendix A, are small slivers that cannot be realistically developed. Furthermore, the properties containing identified vacant land are non-developable because they are open space and trails (Block 127, Lot 71), preserved open space for a housing development (Block 145.02, Lot 26), or open space owned by Drakewick Homeowners Association (Block 145.04, Lot 42).

Since these parcels are neither vacant nor developable, we eliminated all “Developable Land” identified by the DCA in the *Land Capacity Factor* calculations. This reduced the *Land Capacity Factor* from “0.06%” to “0.00%” which reduces the total housing obligation for Mendham Township by four from 120 units to 116 units.

Equalized Non-Residential Valuation Factor

The *Equalized Non-Residential Valuation (NR Valuation)* measures the change in valuation of commercial and industrial properties between 1999 and 2023. The Affordable Housing Law requires that “*changes in nonresidential property valuations in the municipality, since the beginning of the round preceding the round being calculated, shall be calculated using data published by the Division of Local Government Services in the department.*” As such, the beginning of the preceding round was determined to be 1999.

The NR Valuation Factor as calculated by the DCA for Mendham Township is relatively low for the Region 2 at 0.018%.” The *NR Valuation Factor* for municipalities in *Housing Region 2* ranges from -0.05% to 9.75% and about 80% of the 104 municipalities in the region have greater *NR Valuation Factors* than that of Mendham Township. This is evident as the Township is predominantly a residential community. However, there are properties that should not have been included in the DCA Calculations. We compared the DCA valuation of commercial and industrial properties to valuation provided by NJ Property Fax.

The DCA *NR Valuation* calculations included utilities and utilities rights-of-ways in the 1999 and 2023 list of commercial and industrial property valuations. As reported by the DCA, the total valuation of commercial and industrial properties in 2023 was \$11,557,500 and \$2,700, respectively. The total valuation of commercial and industrial properties in 1999 was \$6,754,900 and \$2,400, respectively. Parcels containing utilities or utilities rights-of-way were removed from this calculation. This lowered the 2023 commercial valuation to \$10,051,000 and the 2023 industrial valuation to \$0. Furthermore, the 1999 commercial valuation was reduced to \$5,894,700 and the 1999 industrial valuation to \$0. **By removing utilities and utility rights-of-way, the NR Valuation Factor reduced slightly to 0.016%. This further reduced Mendham Township’s obligation by one unit to 115 units.** The properties that were removed from the DCA *NR valuations* calculations are noted in Table 5.

Table 5

Commercial and Industrial Properties Containing Utilities or Utility ROW In Mendham Township			
2023 Commercial Land Use			
Block, Lot	Location	Owner	Total Value
139, 80	20 Conifer Dr*	Barsa, Sammy M C/O T-Mobil	\$ 286,900.00
139, 80	20 Conifer Dr*	Barsa, Sammy M C/O AT&T	\$ 286,900.00
139, 80	20 Conifer Dr*	Barsa,C/O Verizon-Attn:Netw RI Est.	\$ 932,700.00
2023 Industrial Land Use			
107, 71	Roxiticus Rd	A T & T, Communications, Tax Dept	\$ 2,700.00
1999 Commercial Land Use			
144, 37	44 TEMPE WICK RD**	KNOOP, VENICE C	\$ 625,900.00
125, 36	8 Mt Pleasant Rd	A T & T Comm Tax Supr	\$ 234,300.00
1999 Industrial Land Use			
107, 71	ROXITICUS RD	A T & T, Communications, Tax Sup	\$ 2,400.00

*This property contains a single-family residential home belonging to Sammy Barsa with a cellular tower on the property.

**In our review of the list of 1999 Commercial Properties, we noticed the inclusion of 44 Tempe Wick Rd (Block 144, Lot 37) which is a residential use and has always been so. Therefore, we excluded this property from the calculation as noted in the above table.

Income Capacity Factor

The legislation requires calculation of an Income Capacity Factor, which measures the extent to which a municipality's income level differs from that of the lowest-income municipality in its Housing Region. The income capacity factor is based on 2022 American Community Survey 5-Year Estimates (2018-2022). This is calculated at the regional level and is based upon the census data. **As such, the Income Capacity Factor shall remain the same at 1.67%.**

Average Allocation Factor

The average allocation factor is the average of the Equalized Nonresidential Capacity Factor, Land Capacity Factor, and Income Capacity Factor. This is then used as the final factors determining the prospective need for Mendham Township. **The DCA calculated the Average Allocation Factor as 0.58%**, which is the average of the NR Valuation Factor at 0.018%, the Land Capacity factor at 0.06%, and the income capacity factor at 1.67%.

With our calculations, by excluding the nonqualifying properties from the Land Capacity factor and Equalized Nonresidential Valuation Factor, the Average Allocation Factor reduced to 0.56%. This is the average of the reduced NR Valuation Factor at 0.016%, the reduced land capacity factor at 0.00%, and the same income capacity factor as calculated by the DCA at 1.67%.

Prospective Need Calculation

The final Affordable Housing Obligation is determined by calculating the change in households between the 2010 Decennial Census and 2020 Decennial Census. Then the change in households is divided by the assumed low- and moderate-income household growth to determine the regional affordable housing obligation. Finally, the municipal prospective need is calculated by multiplying the average allocation factor by the regional prospective need and the regional adjustment factor. Please note that the *Regional Adjustment Factor* is included to prevent rounding errors and to ensure that the summed total of all municipalities' prospective need obligations exactly equals to the regional obligations. For Region 2, the adjustment factor is 0.9998.

As such, our calculations for the Affordable Housing Obligation differ from the DCA calculation in that the *Average Allocation Factor* is slightly lower at 0.56%, compared to the DCA at 0.58%.

Calculating Regional Prospective Need and Regional Obligations as per DCA Methodology:

Region 2 Prospective Change in Households (51,264 households) = 2010 Households Decennial Census (693,844 households) – 2020 Households Decennial Census (745,108 households)

Regional Obligation (20,506 households) = Change (51,264 households) / Assumed low- and moderate-income household growth (2.5)

DCA Calculations Mendham Township's Prospective Need:

Municipal Prospective Need (120 units) = Average Allocation Factor (0.58%) * Regional Prospective Need (20,506 households) * Adjustment Factors (0.9998).

Our Calculation of Mendham Township's Prospective Need:

Municipal Prospective Need (115 units) = Average Allocation Factor (0.56%) * Regional Prospective Need (20,506 households) * Adjustment Factors (0.9998).

The regional obligation and the income capacity factor have a significant influence on Mendham Township's affordable housing obligation. This report did not alter the regional housing obligation or the income capacity as the methodology for this calculation is explicitly outlined in § P.L.2024, c.2., which provides the framework for DCA's calculations.

DCA Analysis Conclusion

H2M's calculation for Mendham Township's affordable housing obligation is 115 units, which is only five (5) units less than DCA's calculated obligation at 120 units. The land capacity factor was reduced to zero as the "Developable Land" identified by the DCA, was found to be neither vacant nor developable. The NR Valuation Factor has reduced from 0.018% to 0.016% by removing the residential, utilities and utility rights-of-way from the list of properties included in the Equalized Nonresidential Land Valuation Factor calculations. We did not adjust the *Income Capacity Factor* or the *Regional Prospective Need/ Regional Housing Obligation* by following the DCA methodology as this determination is based upon the legislation. **As such, our analysis concludes that the Township's Fourth Round Obligation can be reduced to 115 units.**

Vacant Land Analysis

In the prior section, H2M analyzed the Township's Fourth Round Affordable Housing Obligation. This section evaluates the availability of vacant land, if any, that can support any kind of development. Mendham Township is a low-density residential community with significant sensitive land, rural and historic characteristics, and a limited infrastructure base. The Township occupies approximately 18 square miles. The Township is home to over 3,659 acres of open space, parkland, and preserved farmland. Mendham Township is located within the New Jersey Highlands Region (Highlands Region) which is comprised of 88 municipalities. These municipalities are in seven counties namely, Bergen, Hunterdon, Morris, Passaic, Somerset, Sussex, and Warren. The Highlands Region is known for its scenic views and natural beauty, but it is also an important resource for the state and a source of drinking water for over half of New Jersey residents. The Highlands Water and Protection and Planning Act (Highlands Act) has designated two specific boundaries within the Highlands Region—the Planning Area and the Preservation Area.

The entirety of Mendham Township is with Highland's Planning Area. Within the Highlands Planning Area there are three distinct land use capability zones: Protection Zone, Conservation Zone, and Existing Community Zone. As seen in the maps included herein in **Appendix B**, about 73.8% of Mendham Township is in the Protection Zone, 2.9% is in the Conservation Zone, and the remaining 16.3% is in the Existing Community Zone. Overall, approximately 98% of all land in Mendham Township is constrained by one or more of Highlands environmental resources such as open water protection areas, riparian areas, moderate and severe slopes, critical habitats, carbonate rock areas, prime ground water resource areas, wellhead protection areas, lake management areas, forest resource areas, and agricultural resource areas. The Protection Zone (PZ) consists of the highest quality natural resource value lands that are essential to maintaining water quality, water quantity, and sensitive ecological resources and processes. Land acquisition is a high priority for lands in the PZ and development activities will be extremely limited. Any development will be subject to stringent limitations on consumptive and depletive water use, degradation of water quality, and impacts on environmentally sensitive lands and natural resources. The Conservation Zone (CZ) consists of areas with a high concentration of agricultural lands and associated woodlands and environmental features. In this zone, development potential may be constrained by limited available infrastructure to support development (e.g., water availability, the existence of concentrated environmental resources that are easily impaired by development, or the protection of important agricultural resources). The Existing Community Zone (ECZ) consists of areas of concentrated development representing existing communities. These areas tend to have limited environmental constraints due to previous development patterns and may have existing infrastructure that can support additional development and/or redevelopment.

While conducting a vacant land analysis, we identified properties that were classified as vacant (Class 1) and public property (Class 15C). A total of 149 parcels of various sizes were generated. These were mapped based upon the property classification, land use capability zones, and environmental constraints. As can be seen in the maps included within **Appendix B**, most of the parcels are located within Protection Zone and Conservation Zone. A small portion of the Township along the eastern portion along Route 24, Brookside area, and along Route 24 in the western portion of the Township is in the Existing Community Zone. However, these vacant parcels were undersized, part of a conservation easement, homeowner association, environmentally constrained, etc.

Most importantly, for a site to be suitable for a higher density development there should be access to public water and sewer. The entirety of Mendham Township does not have access to sewer or public water. About 4.1% of the Township contains wastewater treatment facilities. These include facilities such as Mendham

Middle School, Mendham Elementary School, Drakewick, Mountain View, and Brookrace that were built in the 1980s and 1990s and are completely built out with no excess capacity (as per the NJ Department of Environmental Protection permits). As such, the development potential of vacant land or public property in Mendham Township is limited to low-density developments, which is not conducive to the type of high-density housing that typically generates affordable housing through a 20 percent set-asides.

Vacant Land Analysis Conclusion

In conclusion, most of the vacant land or public property in Mendham Township is encumbered by environmental constraints. Furthermore, much of land that is the vacant or public property is within the Highland's Conservation Zone or Protection Zone where major developments are limited. As such, there are no available vacant lots in Mendham Township that can be realistically developed.

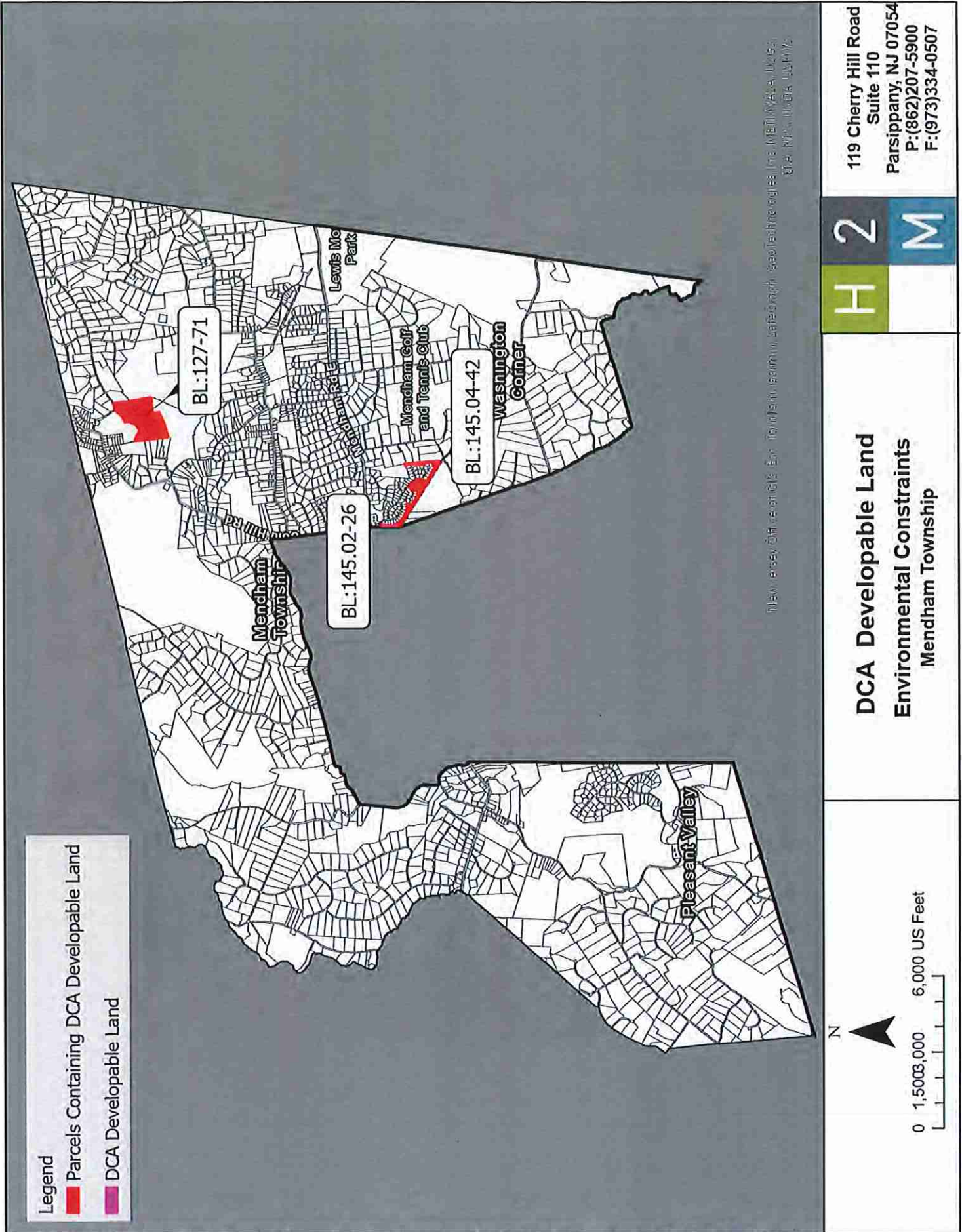
Appendices

Appendix A – DCA Developable Land

Appendix B – Vacant Land in Mendham Township

Appendix A

DCA Developable Land

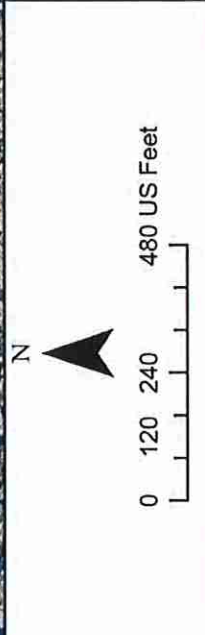




Document Path: X:\M\ENT (Mendham Twp)\M\ENT2500 - 2025 General Planning\Fourth Round Obligations 2024\M\ENT-Vacant and Developable Land\M\ENT-Vacant and Developable Land.aprx

Legend

- Parcels Containing DCA Developable Land
- DCA Developable Land

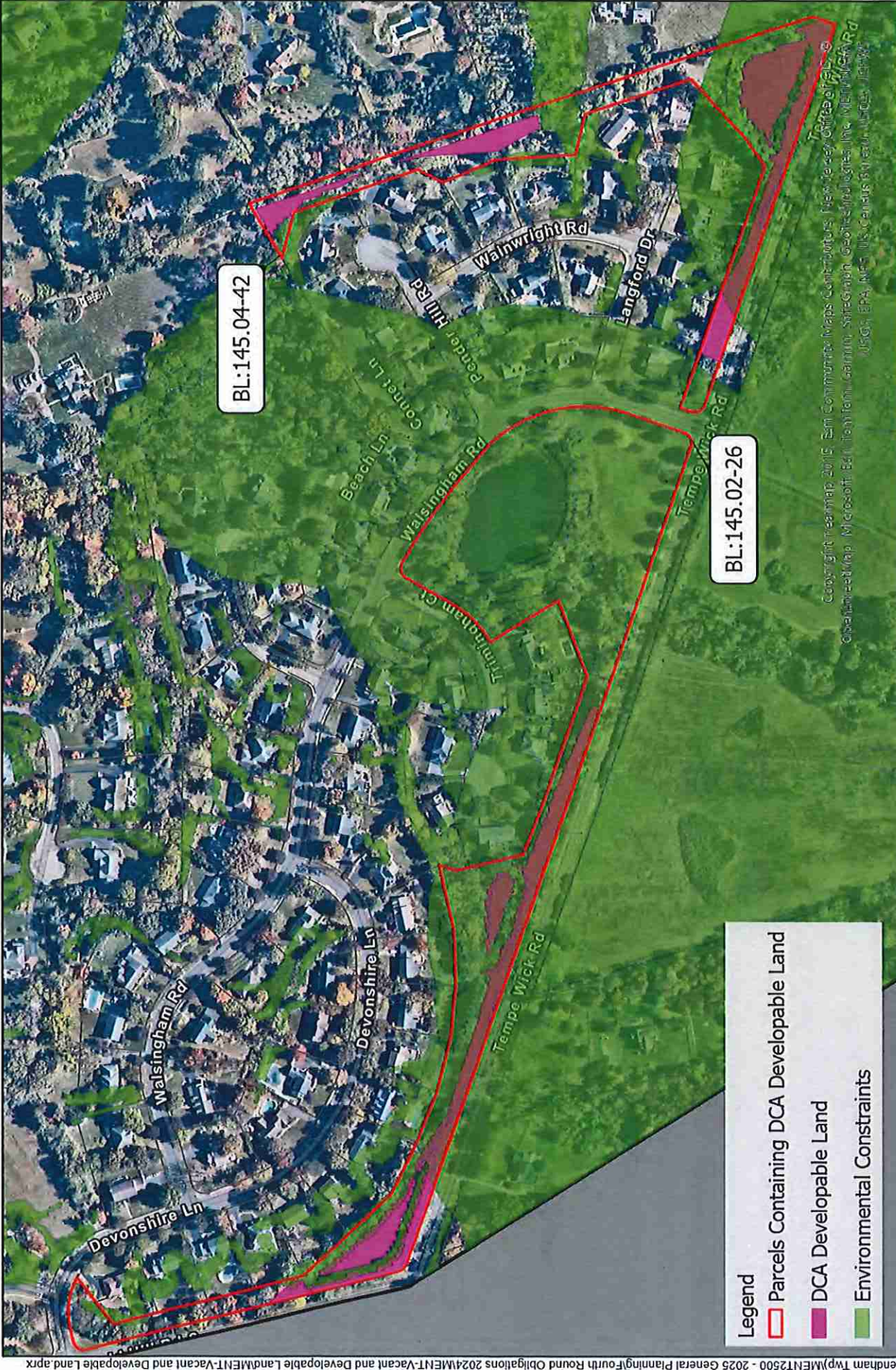


**DCA Developable Land
Environmental Constraints
Mendham Township**

H	2
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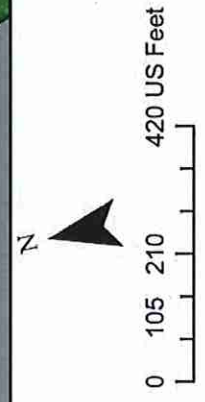
119 Cherry Hill Road
Suite 110
Parsippany, NJ 07054
P: (862)207-5900
F: (973)334-0507

BL:127-71



Legend

- Parcels Containing DCA Developable Land
- DCA Developable Land
- Environmental Constraints



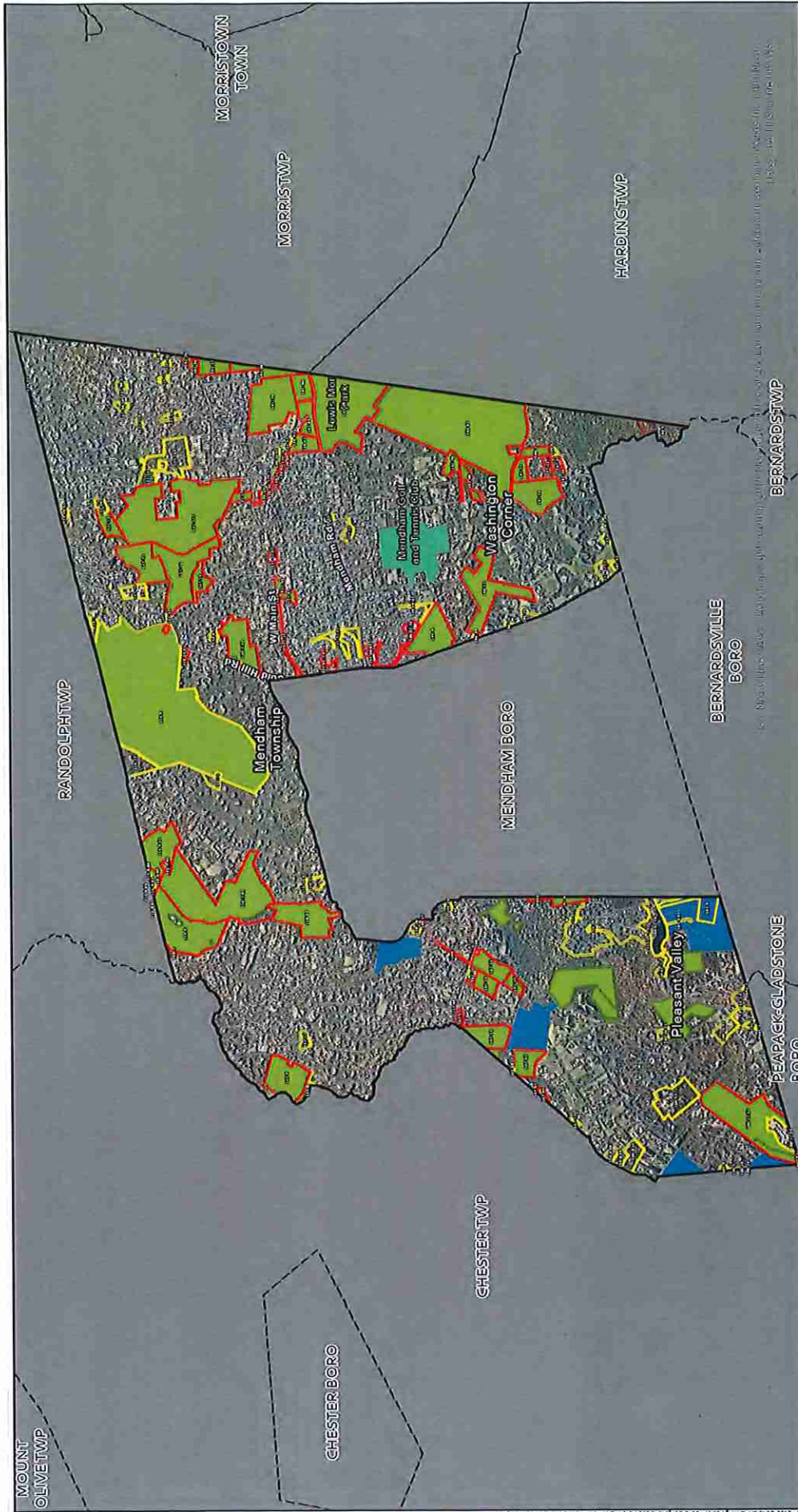
DCA Developable Land
Environmental Constraints
 Mendham Township

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 Parsippany, NJ 07054
 P:(862)207-5900
 F:(973)334-0507

Appendix B

Vacant Land in Mendham Township



Legend

- 1 - Vacant
- 15C - Public Property
- All other Properties

- Open Space (Local and DEP ROST)
- Golf Course
- Preserved Farmland

Vacant Land Analysis

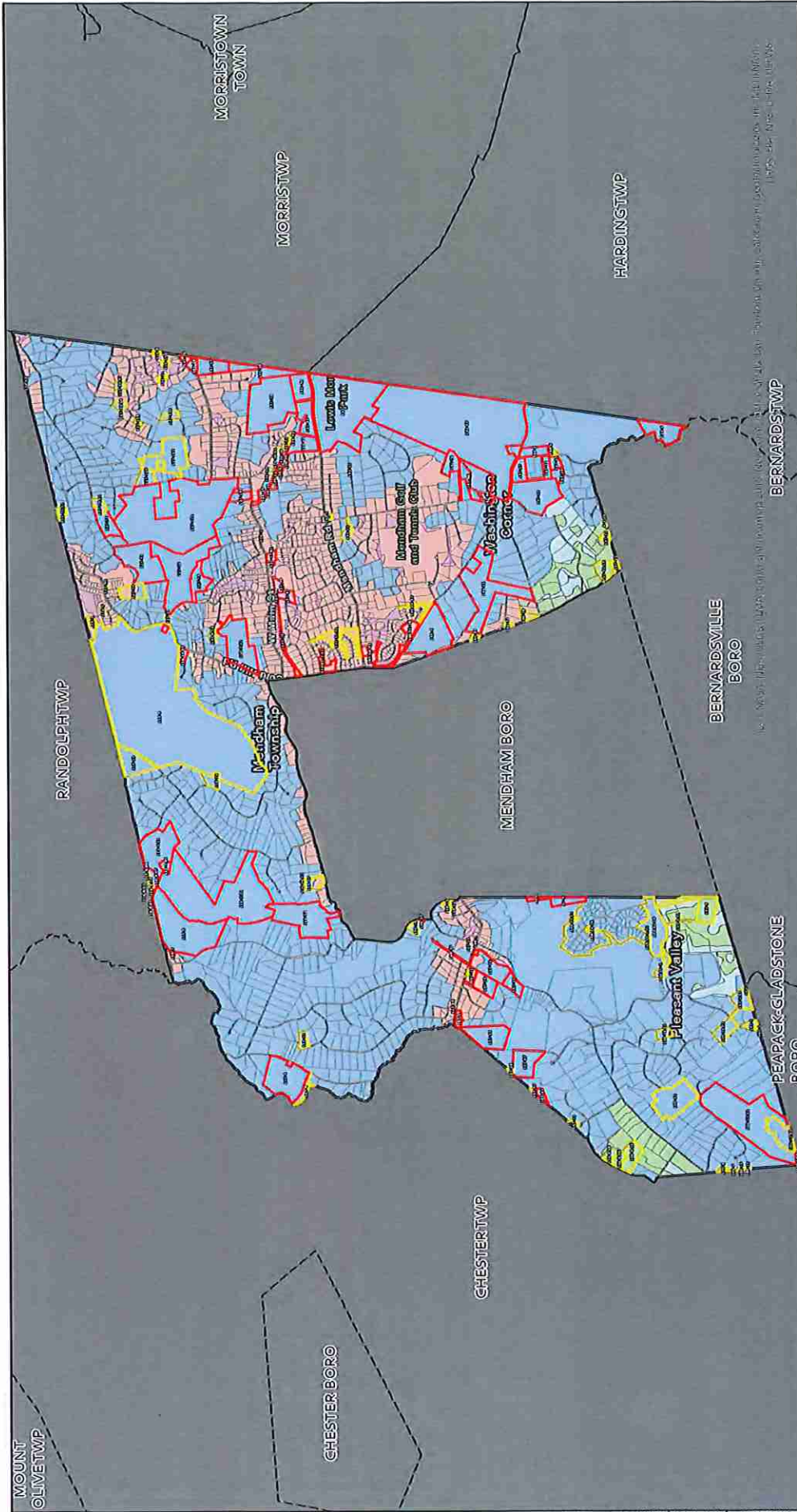
Land Uses

Mendham Township

H 2

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Legend

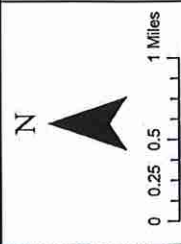
- 1 - Vacant
- 15C - Public Property
- All other Properties

Highlands Land Use Capability Zones

- Conservation Environmentally Constrained Subzone
- Conservation Zone

Existing Community Subzone Environmentally Constrained

- Existing Community Zone
- Lake Community Subzone
- Protection Zone



Vacant Land Analysis Land Use Capability Zones Mendham Township



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Additionally, it offers a range of alternative planning approaches to meet affordable housing obligations while protecting Mendham Township's unique natural resources, particularly the headwaters of the Raritan, Passaic, and Whippany Rivers.

Section A: Legal Analysis of Applicable Sections from the COAH Amendment Bill (A4) & Referenced State Development and Redevelopment Plan (SD&RP)

1. Alignment with the State Development and Redevelopment Plan

- **A4 - Section 2(s):** The Legislature intends to facilitate planning in alignment with smart growth principles and the State Development and Redevelopment Plan.

Suggested Statements for Mendham Township's Response to DCA:

1. Future projects must align with the SD&RP's environmental protection objectives, recognizing Mendham's critical role as the headwaters of major river systems that provide drinking water to over 6 million New Jersey residents. This alignment ensures that development safeguards the ecological integrity of these vital water sources.
2. The State Development and Redevelopment Plan emphasizes environmentally sensitive planning and the conservation of critical resources. Mendham Township's proximity to the headwaters of the Raritan, Passaic, and Whippany Rivers underscores its high environmental significance, warranting enhanced protection and sustainable planning practices under these principles.
3. Mendham Township will require comprehensive environmental impact assessments for any proposed affordable housing project. Situated at the headwaters of the Raritan, Passaic, and Whippany Rivers, the township must uphold stringent standards to protect water quality, manage stormwater effectively, and preserve critical habitats, ensuring compliance with statutory environmental requirements

2. Comprehensive Land Use Planning

- **A-4 Section 2(t):** Changes to affordable housing plans aim to further consistency with the State Development and Redevelopment Plan.

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1. Mendham Township is committed to ensuring that all future affordable housing projects align with the conservation-focused planning requirements outlined in Section 2(t) of the



A4 Bill. This commitment reflects the Township's dedication to protecting its sensitive environmental attributes while meeting housing obligations.

2. Achieving consistency with the State Development and Redevelopment Plan requires recognizing and safeguarding Mendham Township's invaluable natural and environmental assets. All future affordable housing developments must undergo rigorous environmental assessments to ensure they do not compromise critical resources such as the Raritan, Passaic, and Whippany River headwaters or the township's fragile ecosystems.

3. Regional Environmental Sensitive Area Significance

- **SD&RP Page 122:** Limiting development on lands critical to providing ecosystem services

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1. In alignment with the SD&RP, Mendham Township will mandate a comprehensive environmental impact analysis for all proposed affordable housing project sites. These analyses must evaluate the potential effects on critical headwaters, waterways, and ecosystems. Development proposals must include thorough environmental impact statements addressing water quality, stormwater management, and habitat preservation. The Raritan, Passaic, and Whippany River headwaters represent critical regional assets that demand stringent protection and preservation.
2. Mendham Township's adherence to the State Development and Redevelopment Plan prioritizes the preservation of environmentally sensitive areas, including Highlands-adjacent lands and riparian zones. These critical areas must be safeguarded from intensive development to maintain ecological balance and align with smart growth principles.
3. Given Mendham Township's location within a region of substantial environmental significance, including its proximity to Highlands-protected lands, the township's unique environmental attributes must be given elevated consideration when determining affordable housing obligations. These attributes underscore the necessity of balancing housing goals with long-term environmental sustainability.

Application to Mendham Township

By citing one or more of these specific statements within the DCA response, Mendham Township strengthen an argument that:

1. The proposed DCA quotas **contradict the mandates** of both the amended affordable housing laws and the State Development and Redevelopment Plan, which emphasize balancing development with conservation.
 2. Mendham Township environmental impact assessments **must demonstrate no significant harm** to water quality, ecosystems, or stormwater management systems in the area.
 3. Mendham's unique environmental assets **justify heightened scrutiny of the proposed methodology and alternative planning approaches.**
-



Summary of Mendham Township's Legal Argument

Using the provision above, Mendham Township can present the following case:

- The township's environmentally sensitive attributes—headwaters, wetlands, and open spaces—are critical resources deserving protection under the law.
- Any proposed development must rigorously comply with smart growth principles, environmental justice mandates, and regional planning considerations.
- Mendham's environmental significance requires that the state and developers prioritize alternative solutions that do not compromise the township's ecological balance.
- Improved alignment is required for protecting Mendham Township's environmentally critical state sensitive areas while still fulfilling affordable housing obligations.

Section B; Alternative Planning Approaches for Affordable Housing in Mendham Township

These alternative approaches offer Mendham Township strategies to meet affordable housing obligations while preserving its environmental, historical, and community integrity. By adopting a mix of these solutions, Mendham can address legal requirements, protect sensitive resources, and maintain its unique character.

1. Adaptive Reuse of Existing Structures

- **Overview:** Convert underutilized or vacant buildings into affordable housing units.
- **Benefits:**
 - Reduces the need for new construction, preserving open space and minimizing environmental impact.
 - Preserves the township's historic architecture and rural aesthetic.
- **Examples:**
 - Repurpose vacant retail spaces or other buildings within the Mendham Township for mixed-use developments.
 - Transform older municipal or school buildings into affordable housing units.

2. Small-Scale, Distributed Development

- **Overview:** Develop smaller housing clusters spread across multiple locations instead of a single high-density project.
- **Benefits:**
 - Integrates affordable housing seamlessly into the community.
 - Prevents concentrated traffic, infrastructure strain, and environmental disruption in one area.



- **Examples:**
 - Build small multi-family units or duplexes in zones already zoned for higher density.
 - Focus on infill development in existing neighborhoods with access to public utilities.
-

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- **Overview:** Use clustered housing designs that preserve a significant portion of the land as open space.
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 - Protects environmentally sensitive areas, including headwater locations.
 - Maintains rural character while meeting housing quotas.
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4. Participation in the Highlands Act Conformance Program

- **Overview:** Mendham Township is currently exploring alignment with the Highlands Council for planning support and access to state incentives for environmentally responsible development.
 - **Benefits:**
 - Provides legal and environmental protections against unsuitable developments.
 - Ensures that housing projects align with regional environmental and infrastructure goals.
 - **Examples:**
 - Currently collaborating and completing an assessment with the Highlands Council to identify suitable development sites within designated growth areas.
-

5. Mixed-Use Development in Existing Commercial Areas

- **Overview:** Integrate affordable housing into existing commercial zones as part of mixed-use projects.
- **Benefits:**
 - Revitalizes underutilized commercial spaces while meeting housing needs.
 - Reduces the need for new infrastructure by leveraging existing utilities and roadways.
- **Examples:**



- Incorporate affordable housing units above or adjacent to retail or commercial spaces

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- **Overview:** Work with non-profits specializing in affordable housing to develop projects tailored to community needs.
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 - **Benefits:**
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-



Appendix: Relevant Researched Sections of A4 and SD&RP

Relevant A4 Statutes:

A-4 Amendment Link: <https://legiscan.com/NJ/text/A4/2024>

A4 - Section 2

s. The Legislature, in amending and supplementing the "Fair Housing Act," P.L.1985, c.222 (C.52:27D-301 et al.), intends to facilitate comprehensive planning in alignment with smart growth principles and the State Development and Redevelopment Plan.

t. The Legislature declares that the changes made to affordable housing methodologies, obligations, and fair share plans, as determined to be a necessity by the Legislature, through the enactment of P.L.2024, c.2 (C.52:27D-304.1 et al.), are made with the intention of furthering consistency with the State Development and Redevelopment Plan.

A-4 - Section 4

w. "Highlands-conforming municipality" means a municipality that has adopted a land development ordinance implementing the municipality's plan conformance petition and which land development ordinance has been certified by the Highlands Water Protection and Planning Council as consistent with the "Highlands Water Protection and Planning Act," P.L.2004, c.120 (C.13:20-1 et seq.), the Highlands regional master plan, and the municipality's plan conformance approval. The term "land development ordinance" shall be inclusive of any amendment to the municipality's land development ordinances that is adopted to further the municipality's petition of plan conformance.

A-4 - Section 4

z. "State Development and Redevelopment Plan" or "State Plan" means the plan prepared pursuant to sections 1 through 12 of the "State Planning Act," P.L.1985, c.398 (C.52:18A-196 et al.), designed to represent a balance of development and conservation objectives best suited to meet the needs of the State, and for the purpose of coordinating planning activities and establishing Statewide planning objectives in the areas of land use, housing, economic development, transportation, **natural resource conservation**, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination pursuant to subsection f. of section 5 of P.L.1985, c.398 (C.52:18A-200).



Relevant State Development and Redevelopment Plan Requirements:

State Development & Redevelopment Plan Link:

[https://www.nj.gov/state/bac/planning/documents/update-to-state-plan/Draft%20Preliminary%20SDRP%20\(SPC%20Approved%2012.4.2024\).pdf](https://www.nj.gov/state/bac/planning/documents/update-to-state-plan/Draft%20Preliminary%20SDRP%20(SPC%20Approved%2012.4.2024).pdf)

Page 47: Identify and delineate sensitive surface water and groundwater resources, including aquifer recharge areas, headwaters, reservoirs, and Category 1 systems and take steps to protect them from impacts of development.

Page 63: Although the State Planning Act does not acknowledge the “Highlands Water Protection and Planning Act,” which was adopted by the Legislature long after the State Planning Act, the Plan should treat the Highlands Region and the Highlands Regional Master Plan with the same deference as the Special Resources Areas that are named in the State Planning Act.

Page 114: 52:18A-202 Advice of other entities; plan cross-acceptance

7. a) In preparing, maintaining and revising the State Development and Redevelopment Plan, the commission shall solicit and give due consideration to the plans, comments and advice of each county and municipality, State agencies designated by the commission, the Highlands Water Protection and Planning Council established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), and other local and regional entities. Prior to the adoption of each plan, the commission shall prepare and distribute a preliminary plan to each county planning board, municipal planning board and other requesting parties, including State agencies, the Highlands Water Protection and Planning Council, and metropolitan planning organizations. Not less than 45 nor more than 90 days thereafter, the commission shall conduct a joint public informational meeting with each county planning board in each county and with the Highlands Water Protection and Planning Council for the purpose of providing information on the plan, responding to inquiries concerning the plan, and receiving informal comments and recommendations from county and municipal planning boards, local public officials, the Highlands Water Protection and Planning Council, and other interested parties.

Page 69:

Land Use: Plan and zone to promote a variety of land uses that create balanced communities. Guide development and redevelopment in or near appropriately located Centers, and Nodes to accommodate growth based on smart growth principles. Encourage densities that support public transit, where appropriate. Preserve the character of agricultural land, prime soils, open space, and environmentally sensitive areas, with appropriate scaling of public facilities and services, without compromising the planning area’s capacity to accommodate future growth. Environs should be protected and enhanced. Future development in the Environs should be carefully considered. It should be in the form of contextually Appropriate Density. Clustered and compact development should also avoid environmental features and areas that are vulnerable to natural hazards.

Page 73:

SMART GROWTH EXPLORER In determining areas where the State Plan recommends growth or conservation, the State Planning Commission recommends utilizing the Smart Growth



Explorer detailed in the appendix as a screening tool. The tool considers environmental and development/redevelopment factors. These criteria are then tallied when evaluating a potential site. The scores can then be compared with pre-determined ranges, and offer guidance for whether the site is appropriate for development/redevelopment, conservation, or needs a more in-depth analysis. The use of equitable smart growth principles is recommended for sites that are suitable for development/redevelopment.

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In areas determined to be suitable for development/redevelopment, the NJ State Development and Redevelopment Plan recommends that development/redevelopment is based on equitable smart growth principles, such as encouraging design that enhances public safety, encourages pedestrian activity, prioritizes redevelopment in lieu of greenfield development, and reduces dependency on the automobile. Other smart growth principles include:

- Mixed Land Use (residential, commercial, and business)
- Diverse housing stock (including affordable housing)
- Small commercial pockets that provide necessary services, such as but not limited to, eateries, medical facilities, convenience stores and personal services
- Residential development within .5 miles for pedestrians and 1 mile for other multimodal transportation
- Open Space and recreational parks
- **Limiting development on lands critical to providing ecosystem services**
- Compact design that maximizes walkability and minimizes automobile vehicle miles traveled
- Buildings that include green design principles, such as green roof, LEED
- **Equitable, environmentally just development**

INTRODUCTION

Mendham Township contains a rich historic heritage that is still vivid in the many existing historic sites, buildings, structures, roads, and trees located throughout the Township. An unusually large portion of the Township is located within five National and State Registered Historic Districts. These historic resources taken together are among the defining characteristics of the Township contributing greatly to its sense of place, high quality of life, and exceptional property values.

There are three foundations for historic preservation in Mendham Township:

1. The active participation of the Historic Preservation Committee (HPC) as an advisor in the development review process, and
2. The identification and designation of historic districts in the State and National Registers of Historic Places.
3. A resident population that is aware of, and concerned about, historic preservation.

The five existing historic districts are described below with their historic significance. Registered districts form a solid foundation for historic preservation because registration requires detailed documentation of historic resources in accordance with specific accepted national standards of historic significance. The five districts contain most, but not all, historic resources within the Township.

ASSUMPTIONS AND OBJECTIVES CONCERNING HISTORIC PRESERVATION IN MENDHAM TOWNSHIP

- Abundance of historic resources. Mendham Township contains abundant historic resources including sites, buildings, structures, landscape features, roads, and trees that together define its character and contribute importantly to its sense of place, high quality of life, and high property values. These historic resources should be preserved.
- Historic roads. The public roads in Mendham Township were improved slowly and gradually from their beginnings as narrow paths and horse trails centuries ago. Their evolutionary, curvilinear, and organic character is central to the historic significance of the historic districts through which they pass. Their historic width and design characteristics should be preserved to the extent possible.
- Bridges. Many bridges are located in historic districts and, as visually prominent structures, are important to the historic integrity and significance of those districts. The portion of the superstructure that is visible from the public road should be, and have been maintained, or replaced when necessary, consistent with the historic character of the districts.
- Historic buildings. There are many historic buildings throughout the Township; many are especially visible because of their location close to public roads. They contribute significantly to the integrity of historic districts, and to the character of the Township as a whole, and should be preserved.
- Ancient trees. There are many very old trees throughout the Township; many are especially visible because of their location close to public roads, they contribute significantly to the integrity of historic districts, and to the character of the Township as a whole, and should be preserved.
- Historic development patterns. The pattern of historic development in Mendham Township was established in an era before zoning. Historic structures are typically located in accordance

with topographic/geographic features and are often located close to roadways and other property lines. Properties are typically of random and widely varying size, with boundaries that often follow natural features. These characteristics are important contributors to the historic integrity of historic districts, and to the Township as a whole, and should be preserved.

- Historic artifacts (remains of foundations, mills, darns, millraces, forges, etc.). The Township contains many artifacts which contain historic significance in and outside of historic districts. Where possible they should be preserved.

ADDRESSING STATUTORY REQUIREMENTS FOR IDENTIFICATION OF HISTORIC SITES AND DISTRICTS

The MLUL requires that the location and significance of historic sites and districts be identified together with the standards used to assess their historic worthiness. These statutory requirements were satisfied in Mendham Township's designated historic districts and sites as follows:

- Identification of the location and boundaries of historic sites and districts. The boundaries of the historic districts in Mendham Township are summarized in the next section below and were established in accordance with National and/or State Historic Register criterion. Mendham Township maintains two maps showing the boundaries of the historic districts and the location and type of all known historic sites and resources in the Township.
- Identification of historic significance has been satisfied through the State and Federal historic nomination and registration process for the five historic districts. To qualify for registration, the State and National Registers of Historic Places require a detailed survey and documentation of the historic resources in the district. The following sections provide a summary of identified historic resources in each district.
- Identification of the standards used to assess the worthiness of historic district designation. The standards used by the State and National Registers of Historic Places have been used to assess the worthiness of historic district and sites designation in all designated historic districts and the Multiple Properties Listing in Mendham Township. These standards are summarized as follows:

Criterion A. Property associated with events that have made a significant contribution to the broad patterns of our history.

Criterion B. Property associated with the lives of persons significant in our past.

Criterion C. Property that embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.

Criterion D. Property that has yielded, or is likely to yield, information important in prehistory or history.

HISTORIC DISTRICTS AND MULTIPLE PROPERTIES LISTING, THEIR SIGNIFICANCE AND WORTHINESS FOR DESIGNATION

Following is a summary of the five registered historic districts in the Township, their location and boundaries, their historic significance, and their worthiness for historic designation.

1. Brookside Historic District

This district is located within Mendham Township along Tingley Road, East and West Main Streets, Cold Hill Road, Cherry Lane and Woodland Road. The District retains the scale,

character and artifacts of a rural village and small-scale industrial center of the 18th and 19th centuries. The District contains 131 documented historic resources that contribute to its historic significance. Most notable are numerous existing single-family dwellings, outbuildings, and artifacts of water-powered industry relating to the period of historic significance (1780-1942). The artifacts of industry include the remains of water-powered, grist mills, woolen mill, saw mills, forge, tanning and shoe making, glass and chair manufactory, wagon shops, blacksmith shops, iron mines, turning shops lime kilns, and distilleries. The Rockaway Valley Railroad went through the district providing rail access to some of the industries until World War I. The entire R-O-W of this railroad is now Patriots Path in this district.

Prominent unspoiled natural features, particularly the Whippany River, ancient trees along roadways, and the undeveloped steep hill to the south of the village, also contribute to the historic integrity of the District. The historic community development pattern and architecture of the district is characterized by relatively small lot sizes and shallow setbacks of the oldest structures distinguishing the old village from the modern suburban development on larger lots with deeper setbacks that surrounds it.

The following description is taken from the nomination forms of the National Register of Historic Places for the District:

"The village is laced with the headraces, tailraces, tunnel and culverts of a long-lived and complex water distribution system which fed the various industrial mills that operated in Brookside in the 18th and 19th centuries.,,, (Today) the tree-shaded roads and babbling brooks offer pastoral beauty, giving no hint of the noisy, bustling village of the 19th century which used the brooks to power large mills."

The District is registered in both the State (1995) and National (1996) Registers of Historic Places. The district boundaries were established to encompass groupings of historic resources, roads, railroad R.O.W., and natural features, most notably the Whippany River and parkland to the north. The numerous historic resources dating from the 18th and 19th centuries provide information illustrating the architecture, industry and community development pattern of early America and is thus historically significant in accordance with National Register Criteria A.

2. Combs Hollow Historic District

This district is primarily located within Randolph Township with a small portion in Mendham Township. The Mendham Township portion is made up of parts of three lots located along India Brook near, and west of, Combs Hollow Road. The character of the District in Mendham Township is of a currently undeveloped area in a low-density rural and natural setting. It is registered in both the State (1995) and National (1996) Registers of Historic Places.

The district boundary was established to encompass the grouping of significant historic resources as well as natural historic features. The historic resources located in Mendham Township are the site of an iron mine and the remains of a breached rubble dam and forge. The historic significance of the area relates to the information it contains about the early iron mining and manufacturing industry beginning front 1735. In accordance with National Register Criteria A, the district is associated with events that have made a significant contribution to the broad pattern of our history.

3. Ralston Historic District

This large district was first registered in a smaller form in 1973. It is centered on the North Branch of the Raritan River and now contains 90 documented historic resources that contribute to its historic significance relating to the period of 1786-1934. It is registered in both the State (1997) and National (1999) Registers of Historic Places. The following description of the District is excerpted from the National Register nomination forms.

"The district has as its focus the water-powered industries which grew up on the North Branch of the Raritan, and the related houses, outbuildings, and schoolhouses. The residents of the area carried out their business and public lives in neighboring towns like Chester and Mendham. But Ralston, first known as Roxiticus, was recognized as a separate place, not a town or even a village, but a locale of distinct character. It was a place of mills, whose pounding or silence marked local economic prosperity. It was a place of highly visible hierarchy, with the manor house on the north end, the master's mill house within sight of his house, and small houses for laborers and farmers further downstream."

The District is historically significant in accordance with National Registration Criterion A, B, and C as follows:

- Criterion A (association with events that have made a significant contribution to the broad patterns of our history) because of its association with the development and subsequent decline of water-powered industry in the 18th and 19th centuries.
- Criterion B (association with the lives of persons significant in our past) because of its association with John Rolston (sic.), an early American industrialist whose woolen mill along the river was one of the earliest of New Jersey's successful textile industries.
- Criterion C (properties that embody the distinctive characteristics of a type period, or method of construction) for the well-preserved domestic architecture which characterizes the river valley.

The District boundary was designed to encompass historic resources centered on historic roads (Route 510 previously known as William Penn Highway and Washington Turnpike, Roxiticus Road, Union Schoolhouse Road, and Pleasant Valley Road). It also encompasses historic resources associated with and adjacent to Burnett Brook, the North Branch of the Raritan River and McVicker's Brook. Finally, it encompasses landscape features associated with the history of the area such as Schiff Reservation.

4. Tempe Wick Historic District

This 353-acre District straddles the municipal boundary between Mendham and Harding Townships encompassing substantial historic resources in each township. There are 36 historically significant resources in the Mendham Township portion of the district, most of which are dwellings and other structures and sites. The District is oriented to Tempe Wick Road which is itself one of the district's most important historic resources dating from the 18th century and is the gateway to Jockey Hollow, the Revolutionary War Continental Army encampment. The District is registered in both the State (2000) and the National (2000) Registers of Historic Places.

The District boundary was established to follow the historic alignment of Tempe Wick Road and expanded where appropriate to encompass adjacent historically significant resources including those on Corey Lane and Kennaday Road. The period of historic significance is 1750 (settlement period) through 1936 (Morris County Estate Era). It is historically significant under Criterion A and B in the areas of military history (Revolutionary War encampment) and architecture (mostly 19th century New Jersey Rural Vernacular and Colonial Rival eras). Notably, the historic significance also relates to the spatial arrangement of buildings exemplifying siting characteristics of buildings in an earlier pre-zoning rural era.

5. Washington Valley Historic District

This large 1,883-acre historic district was the largest in the state at the time of its registration. It straddles the municipal boundary between Mendham and Morris Townships with substantial areas in each. In Mendham Township, the district is located along Schoolhouse Road, Washington Valley Road, Tingley Road, and Mendham Road (Route 510). It retains its low-density rural character with prominent unspoiled natural features. The District is registered in

both the State (1992) and National (1992) Registers of Historic Places. The following description is from the National Register of Historic Places Registration Form*

"It (the District) is also very much an environment fashioned by human use, for the preservation of the valley's landscape and its scattered 18th century farms was made possible by wealthy estate builders of the late 19th and early 20th centuries. The landscape of small houses, barns, cultivated fields and orchards that these newcomers found was a resource which they maintained and improved. They were motivated, in part, by their view of Washington Valley as a romantic artifact of colonial days, with hallowed Revolutionary War associations."

Washington Valley Road was laid out in 1757 and is one of the most important historic resources in the District in its form. Mendham Road (Route 510) is also a historically significant road within the District. It may have begun as an Indian trail and was used by early settlers. Later it was improved and maintained as one of the early "turnpikes" (Washington Turnpike) stretching from Morristown to the Delaware River, chartered in 1806.

The boundaries of the District were established to encompass groupings of historic resources, natural features, and historic roadways. The historic resources in the District are numerous but can be summarized as single-family residences, agricultural fields, and outbuildings relating to the periods of historic significance; 1776-1863 encompassed the early settlement and development period, and 1881-1932 encompassed the estate era.

In accordance with National Register Criteria *A*, the District is associated with events that have made a significant contribution to the broad pattern of our history. In addition, in accordance with Criteria *B*, it contains property that embodies the distinctive characteristics of a type, period, or method of construction or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components lack individual distinction.

ANALYSIS OF THE IMPACT OF TOWNSHIP POLICIES ON HISTORIC PRESERVATION

The MLUL requires Mendham Township, through the Historic Preservation Plan, to *analyze the impact of each component and element of the master plan on the preservation of historic sites and districts*. Most elements of this Master Plan have either a generally positive impact or no negative impact on historic preservation. However, the policies contained in two elements of this Master Plan have potentially important implications for historic preservation. They are discussed below.

Circulation Plan

Public roadways and bridges are prominent historic resources in all of the Township's historic districts. Their design, improvement, and maintenance can have an important impact on the integrity of historic districts and their significance. The following road and bridge improvement and maintenance policies are recommended for roadways in historic districts.

Road design and width. Road design standards are an area of public policy that can have a profound effect on historic preservation. Historic roadways are visually distinguishable from those designed to modern standards. They have an *organic* quality dictated and shaped by natural features of the land (topographic and geographic). In Mendham Township they are narrow, uncurbed, curvilinear, and closely following the contours of the land, with open swales for drainage.

Roads designed to typical modern engineering standards, which ignore the historic integrity of an

area, can unalterably damage this historic character. Today's engineers can, however, when encouraged to do so, design roads that achieve engineering goals without sacrificing historic qualities. The historic integrity of roads in historic districts should be preserved, in particular their historic widths.

Bridges. Public bridges are also important to historic preservation, within or without historic districts. They contribute substantially to the scenic quality of Mendham Township. Many bridges in the Township have historic significance in themselves because they are connected with an historic event or personality, or representative of an era of engineering history. Even if a bridge is not in itself "historic", it may be worthy of preservation.

It must be recognized that bridges must function safely and that the main focus of historic preservation should be that which is visible from the public road. If a bridge is in an otherwise historic area and it is in harmony with, and contributes to, the historic significance of the area, the portion of the superstructure that is visible from the public road should be preserved. There are a number of such examples in the historic districts. Indeed these bridges are particularly important elements of historic landscapes. They are by their nature visually prominent focal points, having more of an effect than most other single elements on the character of historic districts.

Ancient trees. There are numerous examples of very old trees dating back to the early 19th and even 18th centuries along public roadways in the Township. Within historic districts, they contribute significantly to the historic integrity of the District. Outside of historic districts, ancient trees often have historic significance in and of themselves. In some cases, existing ancient trees are reflected in historic property deed records. In all cases, they are living reminders of times long past, contributing significantly to the historic character of the community. They should be preserved wherever possible.

Land Use Plan

The Land Use Plan contains goals and policies that are intended to guide the Township's zoning and subdivision regulations, which in turn can have implications on historic preservation. These are discussed below.

Zoning. Strong municipal land development regulations are a necessity. However, they can sometimes pose difficulties for historic preservation. Historic structures often do not conform to such standards because they were constructed in an era with different needs and concerns and the limitations imposed by nature were the primary considerations for their location. In contrast to modern patterns, historic structures are typically located close to roadways and/or other property lines and the distance between structures is much more varied than those built to modern standards.

Zoning use limitations can sometimes discourage historic preservation. Some historic structures are not readily adapted to modern needs and tastes or they were constructed for uses no longer economically viable. Modern zoning regulations can pose an extra and significant obstacle for their adaptive reuse. In historic districts, variances from zoning regulations, which promote the preservation of historic structures and/or historic character, should be considered to be consistent with the Township's *zone plan*. In addition, developments in historic areas should be configured to preserve historic sites, structures, landscape features and the historic pattern of development.

Development outside historic districts. Development in areas outside of historic districts can have detrimental impacts on the historic character and integrity of the districts. In Mendham Township, historic districts are closely associated with a rural landscape of small crossroad villages surrounded by a very low-density countryside. Development that changes this context, even outside historic districts, will be detrimental to the historic character, integrity and significance of the districts. The "up-zoning" recommended in the Land Use Plan will

substantially reduce the Township's ultimate build-out density, greatly beneficial to the preservation goals of this element.

Institutional and public utility uses. The Land Use Plan has been crafted to only permit uses that are generally compatible with historic preservation goals. However, other uses that generally benefit the public welfare have received special legal status such as institutional and public utility uses. Such uses can be visually prominent and incompatible with historic integrity and if so should be located in areas that minimize their visual impact on historic districts.

Subdivision requirements. Subdivision and zoning regulations over time alter the historic pattern of development to a more regularized and uniform model. Historic landscapes are characterized by great variability in lot sizes and building setbacks. The innate characteristics of the land itself; rather than uniform zone standards, were the standard by which decisions were made about property subdivision and building placement. The uniformity and regularity of development built in conformance with subdivision and zoning regulation can be at odds with historic integrity. In historic districts, variances from zoning standards and subdivision regulations which promote the preservation of historic structures and/or historic character should be considered to be consistent with the Township's *zone plan*.

Controlling the scale of buildings. Research of Township building records has illustrated that there is a traditional pattern of building size in relation to property size in the Township. Pursuant to recommendations in the Land Use Plan, floor *area* ratio (FAR) standards have been adopted by the Township to promote the traditional scale of buildings by balancing the size of structures in relation to the size of the property they are on. The main purpose is to discourage new structures that are substantially larger in scale than has been traditional in the Township. This is particularly important in historic districts and for historic structures.

Size and design of signs. Signs by their very nature are visually prominent features of the landscape. Signs within historic districts should be sized and designed to be consistent with the historic integrity of the district.

Preservation of historic artifacts. A variety of Township development-related regulations can impact the preservation of historic artifacts (foundations, mines, wells, millraces, and other man-made structures). Wherever appropriate, Township regulations should be flexibly administered in a manner that promotes the preservation of such artifacts as designated on the Township's historic resources maps.

Map of National and State Registered Historic Districts in Mendham Township

