



PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lieutenant Governor

State of New Jersey

HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL

100 North Road (Route 513)
Chester, New Jersey 07930-2322
(908) 879-6737
(908) 879-4205 (fax)
www.nj.gov/njhighlands



CARL J. RICHKO
Chairman

BENJAMIN L. SPINELLI, E
Executive Director

DRAFT CONSISTENCY REVIEW AND RECOMMENDATIONS REPORT

PETITION FOR PLAN CONFORMANCE:
BOROUGH OF MENDHAM, MORRIS COUNTY

Prepared by the State of New Jersey Highlands Water Protection and
Planning Council in Support of the Highlands Regional Master Plan

12/1/2025

DRAFT

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
Petition for Plan Conformance – Draft Consistency Review and Recommendations Report**

PETITION SUMMARY

Municipality:	<u>Borough of Mendham</u>
Date of Petition Submission:	<u>October 22, 2025</u>
Conformance Area:	<u>Planning Area</u>
Staff Recommendation:	<u>Approve Petition with Conditions</u>

A. REVIEW OF ADMINISTRATIVE SUBMITTALS

1. Resolution No. 158-2025, Resolution of the Borough of Mendham, County of Morris, State of New Jersey, To Petition the Highlands Council for Plan Conformance in the Planning Area.
2. Mendham Borough Initial Assessment, October 17, 2025. (Appendix B)

B. SUBSTANTIVE REVIEW

The Borough of Mendham is a small community of about 5,000 residents located in southern Morris County. The Borough is approximately 6 square miles in area and is located entirely in the Highlands Planning Area. The Borough completed a Conformance Assessment Report in October 2025 and adopted a resolution to “Petition the Highlands Council for Plan Conformance in the Planning Area” in October 2025 to bring all lands within the Borough into conformance with the Highlands Regional Master Plan.

Mendham Borough is characterized by its historic downtown and residential development. Neighboring communities include the Township of Mendham in Morris County to the north, east, and west and the Borough of Bernardsville in Somerset County to the south. The North Branch of the Raritan River and its tributaries form in the north of the Borough while McVickers Brook and tributaries form in the south. The majority of the Borough’s preserved lands are in the southeast with additional preserved lands along the North Branch of the Raritan.

The Borough has a limited transportation network with Route 24 traversing east-west and Hilltop Road from north to south. Route 24 continues through Mendham Township serving as a primary route between the Township of Chester and Morristown. The majority of the Borough’s residential development is served by interconnected local roads.

DRAFT

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
Petition for Plan Conformance – Draft Consistency Review and Recommendations Report**

The RMP divides the Highlands Region into Land Use Capability Zones (LUCZ) based on existing conditions and infrastructure. The LUCZs overlay municipal zoning and are divided into three primary zones and four subzones. For a conforming municipality, the LUCZs balance protection of environmental resources with economic development by limiting development in some areas and directing it to more appropriate places.

Land Use Capability Zone	Acres	% of Land	Location	Description
Protection Zone (PZ)	956	26%	Along the border with Mendham Township to the west and along the North Branch of the Raritan River	Consists of high resource value lands to maintain water quality, quantity and sensitive ecological resources. Land acquisition priority; development limited.
Conservation Zone (CZ)	0	0%	N/A	Consists of areas with significant agricultural lands, woodlands, and environmental features. Preservation when possible; limited non-agricultural development.
Conservation-Environmentally Constrained Subzone (CZ-EC)	493	14%	Southeast corner	Consists of significant environmental features that should be preserved and protected from non-agricultural development.
Existing Community Zone (ECZ)	2,044	56%	Primarily located along the Main Street corridor and extending through neighboring residential areas.	Consists of areas with significant concentrated development of existing communities. Limited environmental constraints.
Existing Community-Environmentally Constrained Subzone (ECZ-EC)	151	4%	Scattered throughout the Borough in areas with environmental features	Consists of environmental features within the ECZ that should be protected from further fragmentation.
Lake Community Subzone (ECZ-LC)	0	0%	N/A	Consists of patterns of community development within 1,000 feet of lakes.

Note: Areas not assigned to a Land Use Capability Zone including road right-of-way account for 4.8% of the Borough.

DRAFT

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
Petition for Plan Conformance – Draft Consistency Review and Recommendations Report**

The Highlands LUCZ designations largely reflect the Borough's Zoning Map. The Existing Community Zone is primarily located along the Route 24 corridor where most of the Borough's higher density residential development and commercial uses are located along with business and community development to the north and south of the corridor. These areas include numerous zone densities including 3-acre, 1-acre, 1/2-acre, and 1/4-acre Residence Zones. The Conservation Environmentally Constrained Subzone and Protection Zones mostly correlate with the Borough's 5-Acre Residence Zone. While the Existing Community Zone is the largest LUCZ designation, less than half (40%) of the Borough is designated with a LUCZ where development may be limited by environmental constraints.

The Conformance Assessment reviewed the environmental constraints within Mendham Borough. The Borough is rich in natural resources. Over 1,000 acres, or 27.4%, of the Borough is located within a forested area. Nearly half of the municipality (44.3%) is located within an Open Water Protection Area and almost half of the Borough contains critical wildlife habitat.

According to NJDEP Land Use/Land Cover (2020) data, 318.6 acres or 8.3% of the Borough is in agricultural use. In addition, a total of 1,019 acres, or 26.4%, of Mendham Borough contains Important Farmland Soils. While 15.7% of the Borough is severely constrained with steep slopes, most of the Borough's severest steep slope areas lie within the southwest portion of the Borough where existing development is limited. Mendham Borough is located within five subwatersheds. The net water availability ranges from -0.6 to 0.0 million gallons per day.

A total of 1,448.3 acres, or 37.8%, of Mendham Borough is located within the sewer service area. The sewer service area is largely confined to the Historic District and densely developed section of the Borough along and north of Main Street. There are no plans to expand the Sewer Service Area beyond what has been already approved and/or constructed. Mendham Borough STP is the wastewater treatment facility for Mendham Borough. The permitted flow is 0.45 MGD and the estimated existing flow is 0.285 MGD or 63.39% of the permitted flow.

The areas outside the sewer service area rely on septic systems. In the Planning Area, density is restricted by septic density targets (for non-sewered development) for each municipality based on the Land Use Capability Zone. In Mendham Borough those densities are 23 acres for the Protection Zone, 9 acres for the Conservation Zone, and 8 acres for the Existing Community Zone.

Groundwater accounts for 99% of the water used in the Borough. The New Jersey American Water Company (NJAWC) which acquired the Borough water supply system in 1992 supplies potable water to 1819 customers in Mendham Borough.

With the acquisition in 1992, Mendham became part of the Short Hills Inter-Connect System of New Jersey American Water. This is a water piping supply system that runs from West Orange/Verona through Millburn, Long Hill, Basking Ridge, Bernardsville, and Mendham. The Inter-Connect System makes bulk purchases of water from the Morris Municipal Utilities Authority 24 hours a day, 7 days a week. The Inter-Connect System is open and flowing 365 days a year, 24 hours a day. This reliable and adequate inter-connect provides more capacity than existed prior to 1992.

DRAFT

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
Petition for Plan Conformance – Draft Consistency Review and Recommendations Report**

Prior to acquisition by NJAWC in 1992, all water came from four production wells located in Mendham Borough. Though owned by NJAWC and still active, these wells operate 120-150 days per year allowing for adequate recharge time. When Mendham wells are operating, they supply water only to Mendham Township and Borough.

Water sourced from outside the Highlands Region has no negative impact on water availability. However, inside the Borough, a water deficit is noted in the two subwatersheds ranging from 0.00-0.99 Million Gallons per Day.

The Conformance Assessment notes broad consistency with Borough zoning and the RMP. According to the Conformance Assessment, there are limited undeveloped parcels available for significant new projects that would exceed the applicability threshold of the Conformance Ordinance. However, as the Assessment notes, parcels in the East Business District as well as the Limited Business zone may face some limitation based on Highlands Conformance Ordinance requirements. Furthermore, the Borough's East Business Affordable Housing Zone would be subject to the environmental and resource protections under the Ordinance which would require carefully balancing the competing goals.

Conclusion

Plan conformance impacts to development potential and existing land uses will likely be minimal due to the nature of preexisting development and infrastructure capacity. The Borough's zoning is mostly comprised of single-family residential zones. Existing single-family homes in the Planning Area are exempt from regulations/standards adopted by the Borough as part of plan conformance implementation. Residential development of less than three dwelling units will not be impacted by conformance with the RMP. For non-residential development, the Highlands Conformance Ordinance only applies if it results in the ultimate disturbance of one acre or more of land or produces a cumulative increase of impervious surface of one-quarter acre.

Development on public water and sewer infrastructure is generally permitted in the Existing Community Zone. Most anticipated development, including sites identified in the Borough's Fourth Round Housing Element and Fair Share Plan (HEFSP), would occur in the form of redevelopment in the Existing Community Zone and may be exempt. An additional site included in the HEFSP have pre-existing treatment systems and service area.

The Borough's Third Round obligation is met through a series of mechanisms including carry-over credits, extension of expiring controls, inclusionary apartments, an accessory apartment, an overlay zone on the King's Shopping Center, and rental bonus credits. The remainder of the Third Round prospective need was durationally adjusted due to lack of utility capacity.

It is recommended that the Borough adopt the Highlands Conformance Ordinance and the supporting Master Plan Highlands Element and Re-Examination report. Based on the Conformance Assessment, it is recommended that the Borough update the ERI utilizing the Highlands Council interactive map and update the Borough's Stormwater Management Plan. In addition, conforming municipalities are required to develop a Water Use and Conservation Management Plan.

DRAFT

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
Petition for Plan Conformance – Draft Consistency Review and Recommendations Report**

C. STAFF RECOMMENDATION AND CONDITIONS

Based on the components of the Conformance Assessment, outlined above, Highlands Council Staff recommends that the Petition for Plan Conformance for the Borough of Mendham be approved with conditions as outlined below. Other conformance tasks may arise in future years, such as specific resource management ordinances and planning documents. The mandatory conditions will bring the Borough into conformance with the Highlands Plan Conformance Procedures, the Highlands Regional Master Plan (RMP), and the Highlands Act. The Highlands Council is available to provide technical assistance and guidance through the adoption of any of the below listed plans. The Highlands Council is committed to providing financial support for all Plan Conformance activities.

1. **Adoption of Approved Master Plan Highlands Element and Re-examination Report.** The municipality shall prepare the Highlands Master Plan Re-examination Report and the Master Plan Highlands Element and submit it to the Highlands Council for final approval. Upon receipt of final Highlands Council approval, the municipal Planning Board shall arrange for the required process of scheduling, notice, public hearing, consideration, and formal adoption of the documents by the municipal Planning Board. At the conclusion of the process, certified copies of the adopted documents shall be provided to the Highlands Council.
2. **Adoption of Highlands Conformance Ordinance.** The municipality shall adopt the Highlands Conformance Ordinance, implementing the Land Use Capability Zones of the Highlands Regional Master Plan along with other Highlands Resource protections. Adoption of the Conformance Ordinance also meets the requirement for the adoption of a Planning Area Petition Ordinance as required under Section 15 of the Highlands Act. The Highlands Resource Maps are attached as Appendix C.
3. **Approval of Highlands ERI.** The Borough shall review the Highlands Interactive Environmental Resource Inventory (ERI) as it relates to municipal resources and notify the Council of any necessary updates. Upon conclusion that the ERI is accurate, the municipal Environmental Commission shall provide for and complete the required process of formal approval of the ERI. At the conclusion of the process, a copy of the minutes of the meeting(s) or resolution shall be provided to the Highlands Council.
4. **Stormwater Management Plan** – Revise and adopt a municipal Stormwater Management Plan that includes: a) Highlands-specific amendments; b) revisions required by the Stormwater Management Rules at N.J.A.C. 7:8; and c) Stormwater Mitigation Plan. Additional work under the Program to include requirements of the current Municipal Separate Storm Sewer System (MS4) permit. This may include ordinance(s) revision and adoption; stormwater facilities mapping; new/updated storage and maintenance plans; training activities; and development of a Watershed Improvement Plan.
5. **Water Use and Conservation Management Plan.** Completion and adoption of a municipal wide Water Use and Conservation management Plan (subject to future Highlands Council funding).

DRAFT

**NEW JERSEY HIGHLANDS WATER PROTECTION AND PLANNING COUNCIL
Petition for Plan Conformance – Draft Consistency Review and Recommendations Report**

6. **Grant Approval for FY2026** – The approval of the petition shall include approval of grant funding in the total amount of \$66,000 for FY2026 for the purposes outlined above and in the Implementation Plan and Schedule found at Appendix A.

D. Interagency Coordination

In accordance with the Memorandum of Understanding with the Office of Planning Advocacy (OPA), the Highlands Council provided a copy of the Mendham Borough Petition of Plan Conformance to the OPA for comment. OPA, in a formal response,....*[details to be added]*.

E. Comments from the Public

The Draft Consistency Review and Recommendations Report was posted to the Highlands Council website and made available at the Highlands Council offices in Chester, NJ, for review by the general public between December 1, 2025 and January 2, 2026. The comment/response document is attached to this document, at Appendix D.

APPENDIX A

**Implementation Plan and Schedule (IPS)
Borough of Mendham, Morris County**

Borough of Mendham, Morris County, New Jersey
Highlands Implementation Plan and Schedule

PLAN CONFORMANCE TASK	Proposed Cost Fiscal Year 2025	Future Projects (requires future HC Approval)	Status and Comments
Housing Element and Fair Share Plan			
Adoption of Implementing Ordinances			
Highlands Interactive Environmental Resource Inventory	\$ 5,000.00		Review Highlands Interactive ERI, propose amendments as necessary, and adopt.
Highlands Element of Municipal Master Plan	\$ 10,000.00		Adoption of Highlands element and reexamination report.
Municipal Master Plan Elements (as applicable)			
a. Land Use Plan Element		TBD	
b. Land Preservation and Land Stewardship Plan Element			
c. Sustainable Economic Development Plan Element		TBD	
d. Historic Preservation Plan Element			
e. Trails Planning			
Adoption of Highlands Conformance Ordinance	\$ 5,000.00		Adoption of Highlands Land Use Ordinance serves to protect municipal resources; future land use ordinance amendments may follow to update existing municipal ordinances.
Update Municipal Land Use Ordinances			
Zoning Map Update			
Resource Management Plans and Programs			
a. Water Use and Conservation Management Plan		TBD	
b. Habitat Conservation and Management Plan		TBD	
c. Stream Corridor Protection/Restoration Plan		TBD	
d. Wastewater Management Plan			
e. Municipal Stormwater Management Plan	\$ 25,000.00		Update existing Municipal Stormwater Management Plan to meet new MS4 requirements
f. Open Space, Recreation, and Historic Preservation Plan	\$ 20,000.00		Update the 2022 Open Space, Recreation & Historic Preservation Plan
k. Forest Stewardship Plan			
Board of Health Ordinances			
a. Septic System Maintenance			
Implementing Ordinances for Management Plans and Programs			
a. Right to Farm Ordinance (if applicable)			
Redevelopment and Brownfields Opportunities			
a. Highlands Redevelopment Area Planning			
Highlands Center Planning		TBD	
Public Outreach/Education			
RMP Updates			
Attendance at Highlands Council Training Sessions	\$ 500.00		
a. Municipal Exemption Determinations	\$ 500.00		Adopt Municipal Exemption Determination Ordinance
b. Ordinance Administration: Application Procedures, Implementation, Enforcement			
Estimated Total	\$ 66,000.00		

APPENDIX B

**Conformance Assessment Report
Petition for Plan Conformance
Borough of Mendham, Morris County**

INITIAL ASSESSMENT OF HIGHLANDS PLAN CONFORMANCE



Borough of Mendham
2 West Main Street
Mendham, NJ 07945



J. Caldwell & Associates, LLC
145 Spring Street, Suite E
Newton, NJ 07860

October 17, 2025

October 18, 2025

ACKNOWLEDGEMENTS

MAYOR

Honorable James R. Kelly

BOROUGH COUNCIL

Neil Sullivan | Council President

Dr. Marilyn Althoff

Alexandra Henry Traut

Bruce J. LaFera

Matthew Bruin

Will Russo

BOROUGH STAFF

Joyce Bushman, Municipal Administrator

Lauren McBride, Acting Borough Clerk

J. CALDWELL & ASSOCIATES, LLC STAFF

Jessica C. Caldwell, P.P., A.I.C.P. | Borough Planner

Alison Kopsco, P.P., A.I.C.P. | Senior Planner

Nick Meurer | Associate Planner

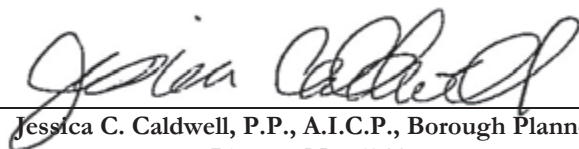
HIGHLANDS COUNCIL STAFF

Benjamin L. Spinelli | Executive Director

Elizabeth Ward, P.P., A.I.C.P. | Regional Planner/Mendham Borough Liaison

This study was paid for by a grant from the New Jersey Highlands Council.

The original of this report was signed and sealed pursuant to N.J.A.C. Section 13:41-1.3.b:



Jessica C. Caldwell, P.P., A.I.C.P., Borough Planner
License No. 5944

Table of Contents

1. Introduction	1
Highlands Region and Highlands Council Background and History	1
Scope and Purpose	1
Overview of the Highlands Regional Master Plan (RMP)	2
2. Consistency Assessment	3
Mendham Borough Planning Programs and Policies	3
Borough of Mendham Master Plan	3
Open Space, Recreation & Historic Preservation Plan	5
Stormwater Management Plan	5
Land Use Capability Zones	6
Borough Zoning	9
Regional Master Plan (RMP) Context	11
Land Use and Initial Plan Conformance Considerations	11
Mendham Borough's Open Space Plan, ERI & Highlands Council ERI	13
Highlands RMP Major Policy Areas and Goals	14
Summary of Consistency	15
3. Impacts of Plan Conformance	17
Development Implications Under the Highlands RMP	17
Limited Development Potential in the Borough of Mendham	17
Commercial Zones: Potential Impacts and Limits	18
Commercial Zones	19
Planning Area Conformance Ordinance and Development Thresholds	22
Planning Area Conformance Ordinance Example	22
Potential for Highlands Center Designation	23
Summary of Anticipated Impacts	26
4. Changes to the Borough of Mendham's Planning Programs	27
Proposed Changes for Highlands Plan Conformance	27
Adopt Highlands Conformance Ordinance	27
Adopt Highlands Exemption Ordinance	27
Adopt Updated Environmental Resource Inventory	27
Adopt Reexamination Report and Highlands Element of the Master Plan	27
Update Borough Master Plan	27
Update Borough Master Plan Elements and Consider New Studies	27
Update the Open Space Plan and Pursue More Funding for Open Space	27
Update Borough Zoning Map	28
Complete and Implement a Water Use and Conservation Management Plan (WUCMP)	28
Update Municipal Stormwater Management Plan	28
Attend Highlands Council Training Sessions	28

1. Introduction

Highlands Region and Highlands Council Background and History

The Borough of Mendham, Morris County, is in the New Jersey Highlands Region, which covers over 800,000 acres or over 1,250 square miles, and 88 municipalities in seven (7) counties (Bergen, Hunterdon, Morris, Passaic, Somerset, Sussex, and Warren). The Highlands Region is renowned for its stunning scenery and natural beauty, but it is also a vital resource for the state and a primary source of drinking water for over half of New Jersey's residents. Mendham Borough is entirely within the Planning Area of the Highlands Region, covering just under six (6) square miles at 3,826 acres, located in the south-central section of both Morris County and the Highlands Region. Mendham Township surrounds the Borough to the north, west, and east, and Bernardsville Borough (in Somerset County) is located to the south (**Exhibit 1**).

The Highlands Council was established by the Highlands Water Protection and Planning Act (Highlands Act), which was adopted by the New Jersey State Legislature in 2004. In 2008, the Highlands Council adopted the Highlands Regional Master Plan (RMP) with the primary goal of protecting water resources within the New Jersey Highlands Region. The Highlands Act designated two (2) specific boundaries within the Highlands Region: 1) The Planning Area; and 2) The Preservation Area. The main distinction between the Planning Area and the Preservation Area is that municipal and county conformance with the Highlands RMP is mandatory in the Preservation Area but not in the Planning Area, where Plan Conformance is voluntary. This means that resource protection afforded by the RMP is mandatory in the Preservation Area but is voluntarily implemented in the Planning Area through municipal Plan Conformance. Mendham Borough is located entirely in the Planning Area of the Highlands Region, where conformance with the RMP is not required; however, the Borough may voluntarily conform with the Highlands RMP through the Plan Conformance process. The Plan Conformance process offers benefits to the municipality, including grant funding to support municipal-wide planning initiatives. This report constitutes the Borough's Initial Assessment of Plan Conformance with the RMP, which reviews the potential impacts, both positive and negative, of Plan Conformance for Mendham Borough.

Scope and Purpose

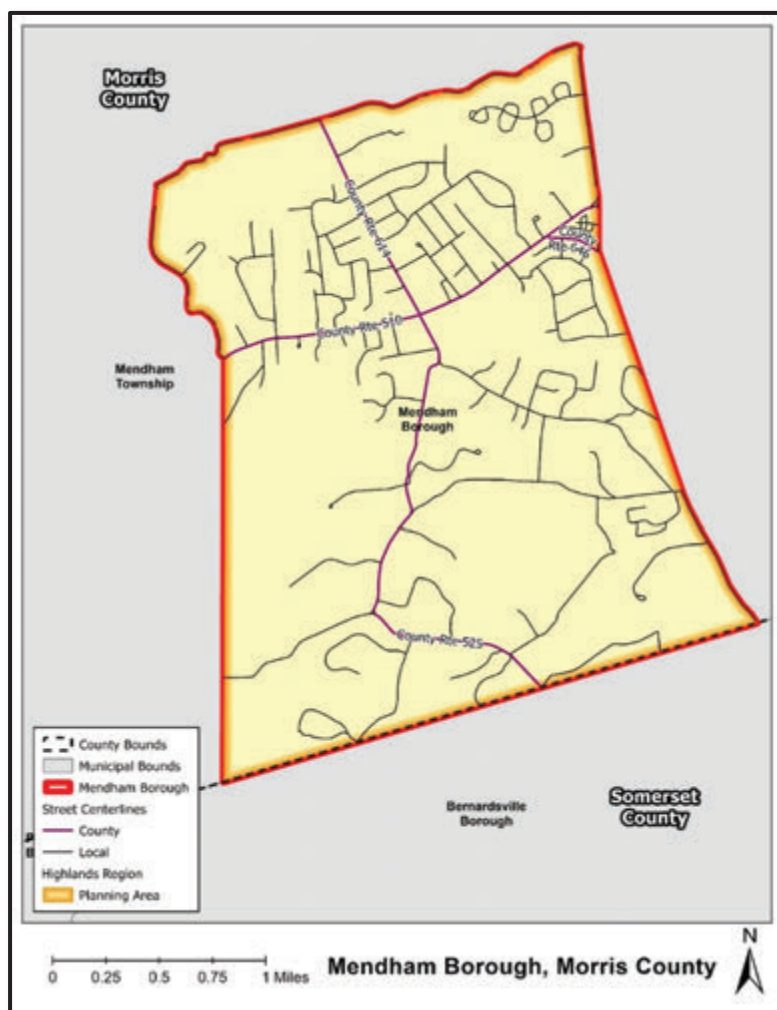
The purpose of this Highlands Initial Assessment is to understand what Plan Conformance in the Planning Area would mean for the municipality. This includes identifying actions necessary to make municipal plans and ordinances consistent with the RMP; identifying mapping updates that may be necessary to correct any discrepancies in Highlands Council mapping; identifying developable tracts and vacant lands (includes mapping, existing zoning, and build-out potential); identifying natural and cultural resource protections in place or needed; and an assessment of actions required to bring municipal plans and regulations into conformance. The second purpose of this report is to identify whether a Highlands Center should also be included as part of Plan Conformance. Inclusive of maps, charts, and visual aids, this Initial Assessment will provide an overview of the Highlands RMP, a Consistency Assessment, Impacts of Plan Conformance, and Proposed Changes to Mendham Borough's Planning Programs.

Overview of the Highlands Regional Master Plan (RMP)

The Highlands Regional Master Plan (RMP) focuses primarily on protecting the water supply and water quality in the Highlands Region. The RMP is also concerned with protecting and enhancing the ecosystems throughout the Highlands Region, partly because of the relationship between ecosystem preservation, water supply, and water quality issues, but also because of the need to protect and preserve habitat for threatened and endangered species. The RMP also recognizes the need for sustainable economic development in the Highlands Region to address the fiscal impacts of the Highlands designation on Highlands communities.

The Highlands Regional Master Plan (RMP) established the parameters for future land use decisions within the 88 municipalities and seven (7) counties in the Highlands. The 2004 legislation divides the region into two parts – the Preservation Area and the Planning Area. All of Mendham Borough lies within the Planning Area (**Exhibit 1**). While land development in the Preservation Area is constrained by NJDEP Highlands Rules, with development limited essentially to Highlands-exempt activities, the Planning Area has less stringent restrictions on development. As a result, development in Mendham Borough is subject to the current local, county, and state regulations.

Exhibit 1 – Mendham Borough Context Map



2. Consistency Assessment

Mendham Borough Planning Programs and Policies

Borough of Mendham Master Plan

The first Borough of Mendham Master Plan was adopted by the Planning Board¹ in 1951. It was followed by Master Plan Reexamination Reports in 1978, 1988, 1994, and 2000. In 2002, an Open Space, Recreation, and Historic Preservation Plan was adopted. In 2005, a municipal Stormwater Master Plan was adopted. In October 2006, the Planning Board adopted a comprehensive Master Plan update, which included an updated land use element, demographics, circulation element, community facilities element, historic preservation element, conservation element, environmental resource inventory (ERI), and public utilities plan element. The Planning Board subsequently adopted Master Plan Reexamination Reports in 2016, 2020, and 2025. Several Housing Elements and Fair Share Plans have also been adopted. The last update to the Land Use Plan Element was adopted in 2015. The following is a list of various Master Plan Elements or planning documents that have been updated or created over the years:

- Open Space, Recreation, and Historic Preservation Plan (2002)
- Municipal Stormwater Management Plan (2005)
- Housing Element and Fair Share Plan (2005, 2008, 2016, 2020 & 2025)
- Historic District Expansion Phase 1 (2009)
- Historic District Expansion Phase I Map (2009)
- Highlands Initial Assessment Report (2009)²
- Historic District Expansion Phase II (2011)
- Historic District Expansion Phase II Map (2011)
- Loop Trail Plan (2011)
- Amendment to the Land Use Plan Element of the 2006 Master Plan (2015)³

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

² Mendham Borough completed a Highlands Initial Assessment Report in 2009; however, it did not go forward with Highlands Plan Conformance at that time. The Borough has reconsidered and may be moving forward on Plan Conformance through this Initial Assessment.

³ The 2015 Land Use Plan Element Amendment includes the addition of the 5-Acre Residence and Religious Campus Zone, which is located in the southern half of the Borough and is surrounded by the 5-Acre Residence Zone.

The 2006 Master Plan included the following goals and objectives for the Borough, which were reaffirmed in subsequent Reexamination Reports:

1. To retain the small-town character of the community by implementing the Village Planning Criteria as adopted for Village Center Clusters to plan for new development within the Village boundary;
2. To preserve the rural quality of the Borough and its historic heritage beyond the Village environs;
3. To protect and preserve the Borough's open space and natural resources of soils, vegetation, air, and water through the wise use of planning techniques and careful control of land development;
4. To maintain a reasonable balance and variety of housing options within an approved housing element;
5. To maintain healthy business districts with a diversity of local businesses to serve the residents of Mendham Borough;
6. To improve traffic flow and provide for the safe movement of people and vehicles through the Borough while minimizing adverse impact on residential streets;
7. To provide adequate local community services and recreational facilities;
8. To recognize and encourage preservation and designation of those historic properties and buildings that contribute to the unique atmosphere that is Mendham, particularly those in the Historic District and which are on the State and National Registers of Historic Places;
9. To integrate new development and redevelopment into the historic fabric of the Village Center area;
10. To maintain the quality and historic character of existing buildings, including all structures which contribute to the Borough's history; and
11. To continue to participate in area-wide programs for proper watershed management.

Circulation Plan Element

The overall goals of the Circulation Plan include: reduction in access points along the roadways, shared access, shared parking, and integration of properties to allow for the appropriate distribution of traffic. In addition, pedestrian connections between the available off-street parking areas and the adjacent roadways and intersections must be included, so as to provide a continuous pedestrian circulation system.

Community Facilities Plan

The overall goals of the Community Facilities Plan include:

1. To inventory existing Borough community facilities and assess their adequacy or inadequacy; and
2. To make recommendations for future improvement to Borough community facilities.

Recreation Plan

The following goals and objectives for recreation outline a consistent vision to provide Mendham Borough residents of all ages with adequate active and passive recreation facilities, to protect and enhance the natural rural environment, and to preserve the established quality of life:

1. To provide a wide range of recreational facilities to meet the present and future needs of the Borough for all age groups;

2. To encourage the preservation of areas with exceptional recreational or scenic value;
3. To preserve environmentally sensitive land for the protection and conservation of natural resources and maintenance of wildlife habitats;
4. To consider development of a skate park facility;
5. To maintain parks and recreation areas using best management practices; and
6. To explore opportunities to connect the existing walking path to realize a complete looped trail.

Conservation Plan

The primary goal of the Conservation Plan is to provide for the preservation and conservation of the Borough's natural resources. Conservation of these resources is critical to the quality of life and character of Mendham Borough. It is also important to communities downstream because of the Borough's location at the headwaters of three major river basins. Major natural resources in the Borough that should be protected and preserved include air quality, stream corridors, large forested areas, wetlands, floodplains, surface water (quantity and quality), and groundwater (quantity and quality).

Open Space, Recreation & Historic Preservation Plan

The Borough adopted an Open Space, Recreation & Historic Preservation Plan in 2002, which included the following nine (9) goals and objectives:

1. Provide for the active and passive recreation needs of the residents of the Borough through acquisition of additional and linkage of existing parkland;
2. Expand pedestrian access throughout the Borough;
3. Preserve historic sites;
4. Provide the community with areas that aid in controlling flood waters, preventing water pollution, and replenishing underground water supplies;
5. Provide for wildlife and vegetative habitat;
6. Protect and preserve sensitive areas, including headwater, stream corridors, wetlands, and steep slopes, as well as other areas that are unique in the Borough;
7. Protect and preserve farms, fields, and woodlands;
8. Minimize the increasing demand on municipal services, such as fire, police protection, schools, roads, and sewer improvements; and
9. Preserve quality of life in Mendham Borough.

Stormwater Management Plan

The Borough adopted a Municipal Stormwater Management Plan (MSWMP) in 2005, revised in 2006, which included the following nine (9) goals and objectives:

1. Reduce flood damage, including damage to life and property;
2. Minimize, to the extent practical, any increase in stormwater runoff from any new development;
3. Reduce soil erosion from any development or construction project;
4. Assure the adequacy of existing and proposed culverts and bridges, and other instream structures;
5. Maintain groundwater recharge;

6. Prevent, to the greatest extent feasible, any increase in non-point pollution;
7. Maintain the integrity of stream channels for their biological functions and drainage capabilities;
8. Minimize pollutants in stormwater from new and existing development to restore, enhance and maintain the chemical, physical, and biological integrity of the waters of the state, to protect public health, to safeguard fish and aquatic life and scenic and ecological values and to enhance the domestic, municipal, recreational, industrial and other uses of water; and
9. Protect public safety through the proper design and operation of stormwater basins.

Land Use Capability Zones

The Highlands Regional Master Plan (RMP) established land use zones, similar to the land use districts of a municipal master plan. The Land Use Capability Zone Map (the LUCZ map), included in the RMP, creates Land Use Capability Zones (LUCZ) that establish the level of land development desired by the RMP. In addition, the RMP also includes a series of goals, policies, and objectives, which have a direct correlation to the LUCZ map. According to the RMP, 21 indicators were used to determine how the zones and sub-zones were drawn on the LUCZ map. However, in some locations within the Borough, it may be necessary in the future to investigate if those indicators were correctly interpreted and if some of the zone and sub-zone designations are correct.

The LUCZ map is divided into three (3) primary zones and four (4) sub-zones. They are identified below:

Primary Zones

Existing Community Zone
Conservation Zone
Protection Zone

Sub Zones

Existing Community – Environmentally
Constrained Sub-Zone
Lake Community Sub-Zone
Conservation – Environmentally Constrained
Sub-Zone
Wildlife Management Sub-Zone

The definitions of the LUCZ from the RMP are as follows:

- Existing Community Zone (ECZ) – Areas consisting of extensive and intensive existing development that may have the capacity to support additional human development without adversely affecting the ecological value of the Highlands Region.
- Conservation Zone (CZ) – Areas consisting of significant agricultural lands and limited low-density development interspersed with environmental features that should be preserved whenever possible.
- Protection Zone (PZ) – Those areas identified on the Land Use Capability Zone Map consisting primarily of high resource value lands in terms of forest resources, Critical Habitat, water quality and quantity, and ecological function, and having limited or no capacity to support human development without adversely affecting the overall ecological function of the Highlands Region.

- Existing Community – Environmentally Constrained Sub-Zone (ECZ-EC) – Those areas identified on the Land Use Capability Zone Map within the Existing Community Zone that have high resource value and limited or no capacity for on-site human development without adversely affecting the ecological value of the Highlands Region.
- Lake Community Sub-Zone (LCZ) – Areas that are within 1000 feet of lakes that are 10 acres or greater in size. This subzone has unique policies to prevent degradation of water quality, harm to lake ecosystems, and natural aesthetic values. Lake Community Sub-Zones comprise the Highlands Lake Management Area, which provides a tier system.
- Conservation – Environmentally Constrained Sub-Zone (CZ-EC) – Areas that have significant environmental features that should be preserved and protected from non-agricultural development.
- Wildlife Management Sub-Zone (WM) – Areas that are part of a network of lands and waters for conservation, management, and where appropriate, restoration of fish, wildlife, and plant resources and their habitats; and that permit compatible wildlife-dependent recreational uses such as hunting, fishing, wildlife observation and photography, and environmental education and interpretation. These areas are managed by appropriate state and federal agencies.

The Existing Community Zone (ECZ) is where the RMP envisions the majority of development and redevelopment. The Conservation Zone (CZ) and Protection Zone (PZ) are primarily proposed for protection and preservation. There can be exceptions, especially concerning redevelopment projects and the types of development that fall under a Highlands Exemption. Four (4) of the seven (7) of the above designations are present in the Borough of Mendham, as shown in **Exhibit 2**.

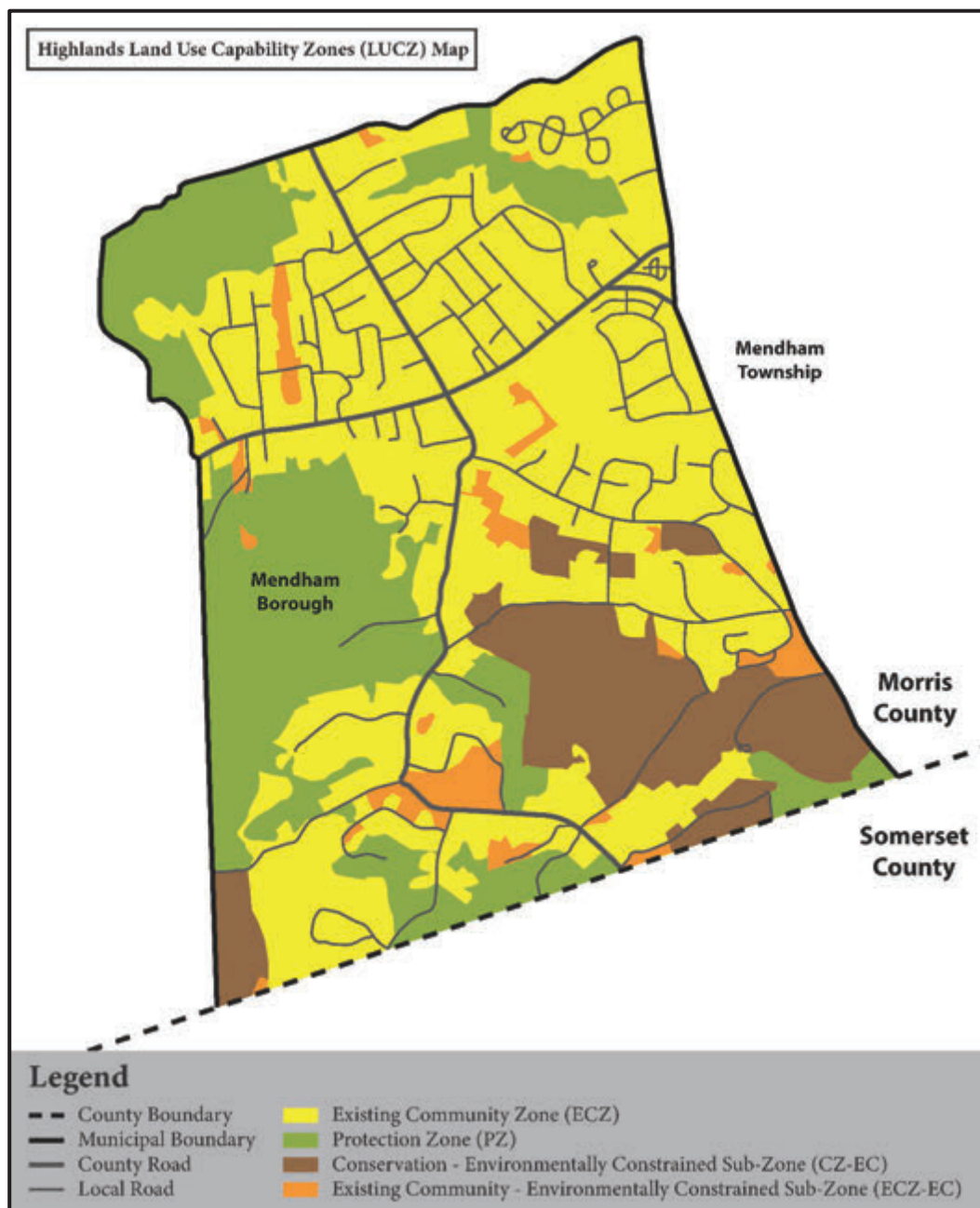
Most of the Borough is located in the ECZ, which consists of areas with regionally significant concentrated development signifying existing communities. These areas tend to have limited environmental constraints due to previous development patterns. They may have existing infrastructure that can support development and redevelopment, provided that such development is compatible with the protection and character of the Highlands environment. Next, a quarter of the Borough is located in the PZ, which consists of high resource value lands that are important to maintaining water quality, water quantity, and sensitive ecological resources and processes. Land acquisition is a priority 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 to environmentally sensitive lands. Next, some southern sections of the Borough are located in the Conservation – Environmentally Constrained Sub-Zone (CZ-EC), which consists of significant environmental features within the CZ that should be preserved and protected from non-agricultural development. Finally, there are small pockets of the Borough, which are located within the Existing Community – Environmentally Constrained Sub-Zone (ECZ-EC), which consists of significant environmental features within the ECZ that should be protected from further fragmentation. They serve as regional habitat “stepping stones” to larger contiguous critical habitats and forested areas. Development is constrained through restrictions on the extension or creation of water supply and wastewater services. **Exhibit 3** provides a visual map of Mendham Borough’s LUCZ.

Exhibit 2 – Mendham Borough Highlands Land Use Capability Zones (LUCZ) Table

Zone/Subzone	Total Acreage	% of Entire Municipality
ECZ	2,044.5	53.4
PZ	956.6	25.0
CZ-EC	493.0	12.9
ECZ-EC	151.1	3.9
Total	* 3,645.2	* 95.2

* Right-of-way acreage and surface water features are not included.

Exhibit 3 – Mendham Borough Highlands Land Use Capability Zones (LUCZ)



Borough Zoning

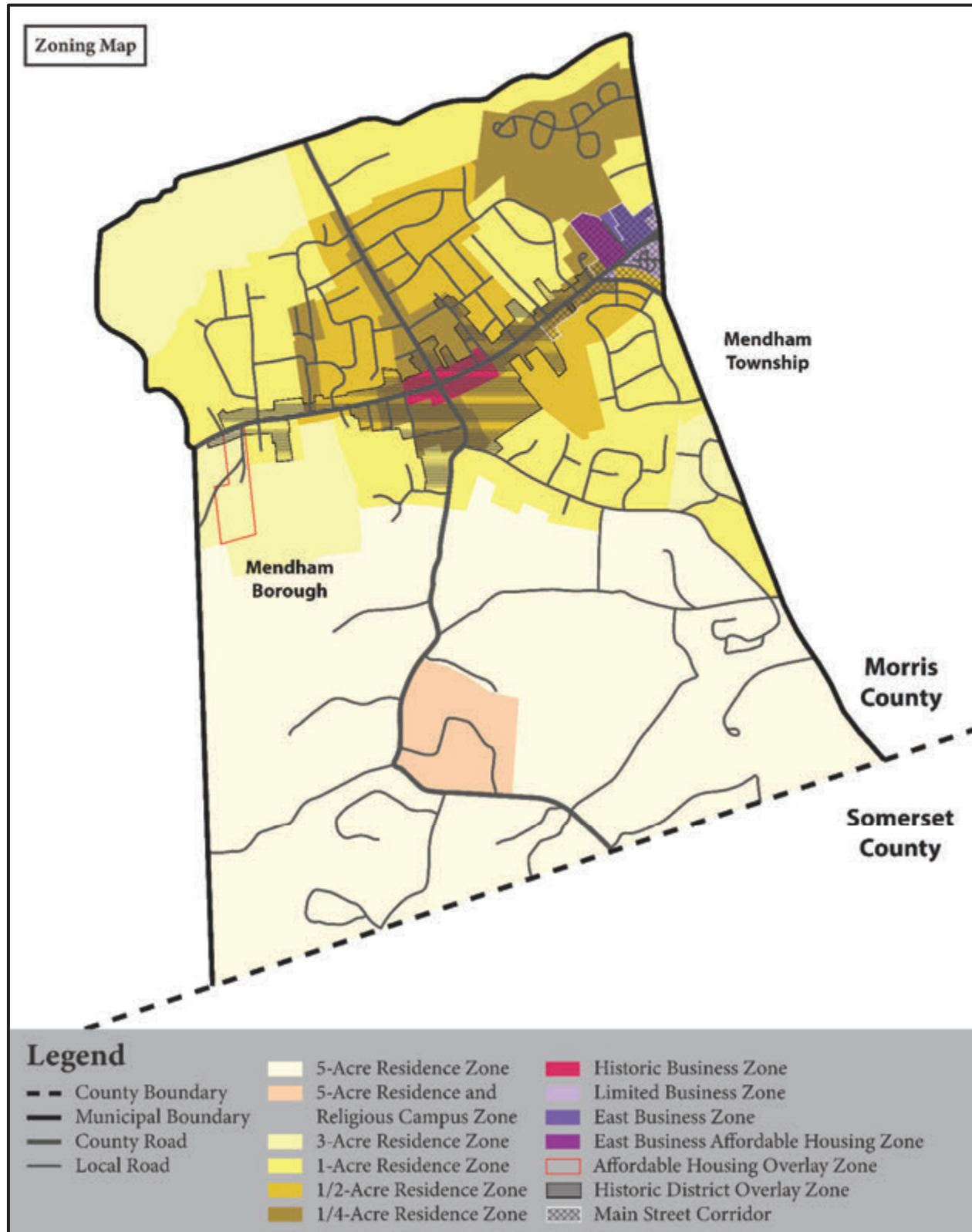
Mendham Borough has 13 land use zone districts, including five (5) residential zones, three (3) part residential and part other land use zones, three (3) main commercial zones, and two (2) additional other land use zones/corridors, which are all listed in **Exhibit 4**. **Exhibit 5** illustrates these land use zone districts.

Exhibit 4 – Mendham Borough Land Use Districts Table

Land Use Category	Land Use Zone District
Residential	5-Acre Residence Zone
	3-Acre Residence Zone
	1-Acre Residence Zone
	1/2-Acre Residence Zone
	1/4-Acre Residence Zone
Residential/Other Land Use	5-Acre Residence and Religious Campus Zone
	East Business Affordable Housing Zone
	Affordable Housing Overlay Zone
Commercial	Historic Business Zone
	Limited Business Zone
	East Business Zone
Other Land Use	Historic District Overlay Zone
	Main Street Corridor

In the various residential zones (from the 5-Acre through the 1/4-Acre Residence Zones), the principal permitted use is single-family detached dwellings, along with playgrounds and parks, agricultural uses (except no maintenance of livestock in the 1/4-Acre Zone), customary accessory buildings, home occupations, and limited accessory uses (§ 215-13 and § 215-15). In the 5-Acre Residence and Religious Campus Zone, religious campus uses are allowed in addition to residences (§ 215-13.1). The Historic Business, Limited Business, and East Business Zones permit a range of commercial and mixed-use activities – including retail stores, offices, professional services, tourist homes, funeral parlors, and accessory uses such as outdoor dining (§ 215-17, § 215-21, and § 215-24) –subject to design and signage controls preserved in the Historic Building standards (§ 215-18 and § 215-47). Overlay zones—the Affordable Housing Overlay and East Business Affordable Housing Zone—allow housing types meeting affordability criteria, which are typically conditional uses (§ 215-64 and § 215-73). The Historic District Overlay Zone and the Main Street Corridor add architectural and design requirements aimed at preserving the historic character and controlling alterations in those areas (§ 215-47 and § 215-9).

Exhibit 5 – Mendham Borough Zoning



Regional Master Plan (RMP) Context

Much of Mendham Borough's land use planning tools are consistent with the Highlands Regional Master Plan (RMP), including the Land Use Capability Zones (LUCZ). The following subsections analyze the Borough's Zoning, Land Use, and Open Space Plan in the context of the Highlands Planning Area, the Highlands Environmental Resource Inventory, and RMP Policy Areas and Goals. The first subsection begins to identify the impact of Plan Conformance for the Borough, particularly in its existing commercial areas.

Land Use and Initial Plan Conformance Considerations

Residential Zones

Mendham Borough's land use is mostly comprised of single-family residential zones. The largest zone, located in the southern half of the Borough, is the **5-Acre Residence Zone**, which permits low-density residential development, and overlaps with all four (4) Highlands LUCZs represented in the Borough, including the Existing Community Zone, Conservation Zone, Protection Zone, Conservation Zone-Environmentally Constrained, and Existing Community Zone -Environmentally Constrained zones/sub-zones. There is also a special residential zone in the Borough's southern half, the **5-Acre Residence and Religious Campus Zone**, which, while similar to the 5-Acre Zone, also permits religious uses and overlaps with the Existing Community Zone, Preservation Zone, and Existing Community Zone-Environmentally Constrained. The northern half of the Borough includes numerous densities of residential zones, including the **3-Acre, 1-Acre, 1/2-Acre, and 1/4-Acre Residence Zones**, which together surround the Borough's commercial centers. The 3-Acre Residence Zone overlaps with the Protection Zone, primarily towards the west, while the higher-density residential zones predominantly overlap with the Existing Community Zone, and small pockets of the Existing Community Zone-Environmentally Constrained. Of notable overlap is the 1/4-Acre Residence Zone and the Protection Zone in the northeastern part of the Borough; however, this area is currently forested and comprises Patriots Path, a walking trail located near Mendham Commons Lake, and this area is unlikely to be developed in the future.

One-, two-, and three-family homes in the Planning Area will not be impacted by conformance with the RMP, as they do not meet the applicability thresholds. Because this is already the dominant permitted use of most of the residential zones, Highlands Plan Conformance for the Borough would not affect the existing residential character and scale of the municipality.

Commercial Zones

The Borough of Mendham's **Historic Business Zone** is centrally located along Main Street (Route 24) within the heart of the Borough's Historic District, a registered national and state historic area. The zone is tightly concentrated in the village's traditional downtown and overlaps with the Historic District Overlay Zone, designed to preserve the architectural and cultural character of the Borough's early settlement. This area is fully developed (located entirely within the Existing Community Zone) and consists almost entirely of historic buildings, most dating back to the 18th and 19th centuries. The Historic Business Zone supports a mix of small-scale, locally oriented uses such as retail stores, professional offices, personal services, banks, and restaurants (excluding drive-throughs), as well as residential apartments, often located above ground-floor commercial spaces. The zone is intentionally limited in scale and character, aiming to serve local residents and preserve the village atmosphere. Strict design standards and historic preservation rules apply to any changes to existing structures, including signage and exterior alterations. **There is very little, if any, vacant land in the Historic**

Business Zone; the area is already built out, and zoning discourages demolition or large-scale redevelopment. Any minor infill or redevelopment projects would require historic and planning review.

The **Limited Business Zone**, located primarily along portions of Main Street and adjoining streets, serves as a transition area between the Borough's commercial areas and more residential neighborhoods. This zone is located entirely within the Highlands Existing Community Zone and is characterized by a moderate mix of small retail businesses, professional offices, personal services, and limited residential uses. The Limited Business Zone is somewhat less dense and less strictly historic in character compared to the Historic Business Zone, allowing for slightly larger or more modern buildings while maintaining compatibility with the Borough's overall aesthetic. Unlike the Historic Business Zone, the Limited Business Zone may contain some small parcels of vacant or underutilized land, offering modest potential for new development or infill projects. However, development is still carefully managed to ensure compatibility with the Borough's scale and character. **Similar to the Historic Business Zone, the Limited Business Zone falls within the Highlands Planning Area and is subject to initial Plan Conformance considerations, especially regarding stormwater management, impervious surface limits, and environmental protection. These requirements could impact future redevelopment or expansion proposals, particularly for vacant or underutilized sites, requiring a balance between growth and Highlands' environmental standards.**

The **East Business Zone** is located along East Main Street and parts of Hilltop Road, positioned on the edge of the Borough closer to adjacent municipalities and more suburban or semi-rural land uses. This zone typically accommodates larger-scale commercial uses, including more automobile-oriented businesses such as service stations, larger offices, and retail establishments that serve both local residents and regional customers. The East Business Zone is also located entirely within the Existing Community Zone; however, it may include some vacant or developable parcels, given its location on the fringe of the more densely built Borough center. **These parcels present opportunities for commercial growth but also trigger scrutiny under both local zoning and Highlands Plan Conformance requirements. For Highlands Plan Compliance, any new development or site modifications in the East Business Zone will need to comply with water resource protections, impervious coverage limits, and stormwater management consistent with Highlands' standards.** This overlay creates a framework that encourages sustainable development practices while enabling the Borough to accommodate commercial uses that serve broader community needs.

Adjacent to the East Business Zone is the **East Business Affordable Housing Zone**, which has been designated to encourage the development of affordable housing within the Borough's commercial areas. This zone is intended to support mixed-use projects that integrate residential affordable units with commercial uses, helping the Borough meet its affordable housing obligations while promoting walkable, transit-friendly development. **This zone would also be subject to environmental and resource protections under the Highlands Plan Conformance framework.** Developers and the Borough must carefully balance affordable housing goals with Highlands environmental regulations, particularly around stormwater management and impervious surface limits, ensuring that new housing projects contribute to sustainability and community diversity without compromising local natural resources.

As Mendham Borough considers its voluntary Plan Conformance efforts with the Highlands Council, the different business zones – Historic, Limited, East Business, and East Business Affordable Housing – face both unique and overlapping challenges. Where there is existing development with existing impervious surfaces, those areas can be expanded by up to 25 percent as an exemption from Highlands Regulations. Where new development is proposed on undeveloped land, Highlands’ restrictions could impact the potential to develop those sites. Across all mixed-use and commercial zones, the Borough’s Plan Conformance process aims to harmonize Highlands’ environmental standards with local zoning, historic preservation, and community character, ensuring the Borough’s growth remains balanced, sustainable, and respectful of its heritage.

Mendham Borough’s Open Space Plan, ERI & Highlands Council ERI

The **2002 Mendham Borough Open Space, Recreation, and Historic Preservation Plan** serves as a foundational document that established the Borough’s early commitment to preserving its rural character, expanding public recreational opportunities, and protecting valued historic and cultural resources. Developed in response to mounting development pressures in the late 1990s and early 2000s, the plan emphasized proactive land acquisition through the creation of an Open Space Trust Fund, supported by a dedicated local tax. One of the plan’s notable strengths is its integrated structure, which outlines how the Open Space Committee, Environmental Commission, and Historic Preservation Commission work collaboratively to advance land conservation and stewardship. However, the plan is now over two decades old, and while its goals remain relevant, it lacks modern considerations such as climate change adaptation, biodiversity connectivity, or updated land-use metrics. These plans would need to be updated as part of Plan Conformance.

The **2006 Mendham Borough Environmental Resource Inventory (ERI)**, prepared as part of the Borough’s Conservation Element in the 2006 Master Plan, provides an in-depth qualitative overview of the Borough’s natural resources, including topography, geology, soils, wetlands, stream corridors, vegetation, and wildlife habitats. It also includes discussions on groundwater recharge, floodplains, and critical habitat areas. While the ERI offers valuable descriptive context and helped establish the baseline for environmental planning in Mendham Borough, it is now outdated in terms of both data sources and methodology. For instance, it lacks geospatial analysis, does not incorporate climate risk or regional habitat connectivity, and relies heavily on data and mapping conventions that predate modern GIS practices. Nevertheless, it remains a useful historical reference that illustrates the Borough’s longstanding environmental priorities and provides a foundation for comparative trend analysis moving forward. The Borough’s ERI would need to be updated as part of Plan Conformance.

The **Highlands Council Interactive ERI** provides a modern, GIS-based platform offering access to more than 200 geospatial data layers covering a wide range of environmental and planning themes, such as steep slopes, critical wildlife habitat, forest integrity, flood hazard zones, and prime aquifer recharge areas. Unlike Mendham’s static 2006 ERI and 2002 Open Space Plan, the Highlands ERI is dynamic and interactive, offering both spatial and narrative outputs to inform decision-making at the municipal level. It also supports compliance with the Highlands RMP, making it particularly imperative for conforming municipalities within the Highlands Region. Its strengths lie in the precision and comprehensiveness of its datasets, although its technical nature may present a barrier to use by communities lacking GIS capacity or environmental planning expertise.

Together, these resources form a complementary data set: the 2002 Open Space and 2006 ERI documents articulate the Borough’s long-term preservation vision and community-driven goals, while

the Highlands Interactive ERI supplies the current, spatially explicit data necessary to implement and refine those goals in line with present-day realities. For instance, Mendham Borough can now use the Highlands ERI to identify environmentally sensitive parcels for targeted preservation, assess threats to ecological integrity, and prioritize green infrastructure or climate resilience investments. The Borough would also benefit from updating its Open Space and ERI documents to incorporate the latest environmental data and planning strategies, including climate resilience, habitat conservation, flood mitigation strategies, and trail connections. Integrating the historical context of land acquisitions and preservation outcomes since 2002, along with the technical insights of the Highlands Interactive ERI, would enhance transparency, increase access to state and regional grant opportunities, and ensure that Mendham Borough remains a leader in sustainable land use and environmental stewardship.

Highlands RMP Major Policy Areas and Goals

The Highlands Regional Master Plan (RMP) is organized around ten major policy areas that serve as the framework for implementing the Highlands Water Protection and Planning Act. Each policy area is articulated through specific goals, policies, and objectives that aim to balance natural resource protection with the realities of human settlement and sustainable development. The RMP's central focus is on protecting critical environmental systems, especially water resources, while also recognizing the need to support economic vitality and community development in the Highlands Region. Mendham Borough, located entirely within the Planning Area and therefore eligible for voluntary conformance, is well-positioned to align with these objectives while preserving its unique small-town character, historic fabric, and environmental resources.

Part 1 – Natural Resources outlines a comprehensive approach to protecting ecological features such as forested areas, steep slopes, critical habitats, and riparian zones. Relevant goals include *Goal 1A – Forest Resources Protection*, which promotes the preservation of contiguous forested areas to maintain ecological integrity, and *Goal 1D – Protection of Critical Habitat*, which supports the conservation of threatened and endangered species habitats. In the Borough of Mendham, large areas of the Protection Zone (PZ) and Conservation-Environmentally Constrained Sub-Zone (CZ-EC) overlap with steep slopes, forested lands, and habitat corridors, especially in the southern and western portions of the municipality. These goals closely align with the Borough's Open Space and Environmental Resource Inventory (ERI) priorities, and future conformance efforts could further reinforce existing protections while guiding sensitive development away from ecologically vulnerable areas.

Part 2 – Water Resources and Utilities is particularly relevant for Mendham Borough, given its reliance on groundwater and the presence of high-resource value watersheds. *Goal 2A – Protection and Enhancement of Water Resources* and *Goal 2B – Sustainable Use of Water Resources* aim to maintain or improve water quality, promote groundwater recharge, and ensure long-term water supply sustainability. Mendham Borough's 2005 Municipal Stormwater Management Plan already supports many of these principles, such as reducing non-point source pollution and protecting stream channels. Through conformance with the RMP, the Borough can access additional tools and data – such as the Highlands ERI – to enhance stormwater infrastructure planning, mitigate flooding risks, and maintain groundwater recharge capacity, particularly in areas designated as ECZ-EC or PZ where water resources are most vulnerable.

Part 4 – Historic, Cultural, Archaeological, and Scenic Resources speaks directly to the Borough's core identity and planning legacy. *Goal 4A – Protection and Enhancement of Historic, Cultural,*

and *Scenic Resources* supports the continued preservation of significant sites and viewsheds. Mendham Borough's Historic Business Zone and its various Historic District Overlay Zones, along with multiple completed phases of historic district mapping and expansion, are exemplary of this goal in action. The Borough's use of design standards to maintain the architectural integrity of its downtown and promote heritage tourism is fully consistent with the RMP's emphasis on integrating cultural preservation into land use decisions. Plan Conformance would allow Mendham Borough to leverage Highlands Council resources for preservation planning, interpretive signage, and historically sensitive redevelopment within its built environment.

While natural resource and cultural protections are foundational to the RMP, the plan also acknowledges the importance of economic viability and local growth.

Part 6 – Future Land Use and **Part 8 – Sustainable Economic Development** provide the necessary framework to guide responsible development within the Existing Community Zone (ECZ), which covers over half of Mendham Borough. *Goal 6A – Regional Development Patterns* encourages smart growth in established areas with infrastructure and lower environmental constraints, while *Goal 8A – Local Economic Sustainability* supports land use strategies that promote local employment, business vitality, and mixed-use development. The Borough's Historic Business Zone, Limited Business Zone, and East Business Zone all fall largely within the ECZ and are already built around walkable, human-scale commercial nodes. Plan conformance in these zones would promote context-sensitive infill and adaptive reuse while ensuring that water quality, impervious coverage, and stormwater controls meet Highlands' standards.

Part 7 – Landowner Equity and **Part 10 – Local Participation** are also important elements of the RMP, especially in a voluntary conformance municipality like Mendham Borough. *Goal 7A – Fairness and Equity in Land Use Regulation* ensures that policies are implemented in ways that respect private property rights and provide opportunities for equitable compensation or development alternatives. Similarly, *Goal 10A – Encouragement of Municipal and Public Participation* promotes collaboration between municipalities and the Highlands Council, encouraging public transparency and meaningful local input into the conformance process. Mendham Borough's ongoing planning efforts – demonstrated through frequent Master Plan reexaminations, community engagement, and interagency coordination—position the Borough to take full advantage of these participatory structures, ensuring that local values are preserved while aligning with regional priorities.

The Highlands Regional Master Plan provides a robust and detailed policy framework that aligns well with Mendham Borough's commitment to environmental protection, historic preservation, and sustainable, small-scale development. Through voluntary plan conformance, Mendham Borough can further strengthen these commitments, access new planning tools and grant opportunities, and ensure that future development respects the Borough's character while fulfilling the environmental and planning goals of the Highlands Region.

Summary of Consistency

Mendham Borough's planning framework demonstrates a strong degree of consistency with the Highlands Regional Master Plan (RMP), built on a legacy of environmental stewardship, historic preservation, and managed growth. Through its Master Plan and supporting documents, such as the 2002 Open Space, Recreation, and Historic Preservation Plan and the 2005 Municipal Stormwater

Management Plan, the Borough has long prioritized resource protection and thoughtful development, aligning closely with the RMP's core goals and policy areas.

The Borough's zoning reflects the RMP's Land Use Capability Zone (LUCZ) mapping, particularly in the Existing Community Zone (ECZ), where Mendham's Historic Business Zone, Limited Business Zone, East Business Zone, and East Business Affordable Housing Zone support walkable, human-scale development. These zones balance compact, mixed-use development with environmental and design constraints, and are well-positioned to meet RMP objectives related to sustainable economic development and smart growth. While the Historic Business Zone is largely built out and historically regulated, the Limited Business Zone and East Business Zone contain some development or infill potential, where Plan Conformance will help ensure alignment with Highlands environmental standards such as stormwater controls and impervious surface limits.

Outside of these commercial zones, the Borough is predominantly residential, with low-density zoning such as the 5-Acre Residence Zone overlapping the Protection Zone (PZ) and Conservation-Environmentally Constrained Sub-Zone (CZ-EC). These areas encompass steep slopes, forested land, and habitat corridors, which are key priorities of the RMP's natural resource protection goals. The Borough's existing residential uses, primarily one-, two-, and three-family homes, are not expected to be significantly impacted by conformance, as they fall below applicability thresholds under the RMP.

The Borough's 2005 Stormwater Management Plan supports RMP water resource goals by addressing non-point source pollution and groundwater recharge; however, the Plan needs to be updated with New Jersey's MS4 (Municipal Separate Storm Sewer System) new requirements. Furthermore, the Borough's Environmental Resource Inventory (ERI), last updated in 2006, would benefit from modernization using the Highlands Council's GIS-based Interactive ERI. This would enhance the Borough's ability to protect critical resources like aquifer recharge zones, steep slopes, and flood-prone areas, and could better support climate resilience, biodiversity, and preservation planning. Given the age of the plan and subsequent changes to NJDEP and Highlands regulations for stormwater management, the Borough Stormwater Management Plan would need to be updated.

Historic and cultural resource protection remains another major area of alignment. The Borough's Historic District Overlay, Preservation Commission, and design standards work to preserve scenic viewsheds and architectural integrity, aligning with RMP goals for cultural and historic resource protection. Mendham's proactive approach to managing its historic fabric positions it well to benefit from Plan Conformance tools and funding support.

While broadly aligned, the Borough's land use tools currently lack explicit reference to the Highlands LUCZ Map and RMP protection standards, creating potential inconsistencies, particularly when reviewing applications in sensitive areas. Zoning densities may also not fully reflect the development constraints outlined in the RMP. These represent opportunities for refinement if the Borough proceeds with Plan Conformance. The Borough would need to adopt a Highlands Master Plan Element and Highlands Plan Conformance Ordinance to align the Borough's Master Plan and land use regulations.

Overall, Mendham Borough's policies and zoning provide a strong foundation for voluntary Highlands Plan Conformance. The Borough's ongoing focus on preservation, environmental protection, and small-scale, character-driven development aligns closely with the RMP. Conformance would formalize this alignment, modernize data and mapping tools, improve regulatory clarity, and

help the Borough maintain its identity while enhancing long-term sustainability and planning effectiveness.

3. Impacts of Plan Conformance

Mendham Borough's potential conformance to the Highlands Regional Master Plan (RMP) through voluntary Plan Conformance will have limited but meaningful impacts, primarily affecting a small number of undeveloped or underutilized parcels within its commercial zones. Given that the Borough is largely built out, with zoning focused on low-density residential development and historically preserved commercial corridors, the most direct impact of Plan Conformance would be on new development proposals that meet the thresholds of a Major Highlands Development. These projects would be subject to Land Use Capability Zone (LUCZ) restrictions, resource protection requirements, and other Highlands-specific regulations.

Development Implications Under the Highlands RMP

Within the Highlands Planning Area, development is permitted but regulated under the RMP. In general, one-, two-, and three-family dwellings are exempt from Highlands Act review and are therefore not impacted by Plan Conformance. This aligns well with Mendham Borough's residential character and zoning, which primarily supports these housing types. However, non-residential development, multifamily housing, and any development exceeding Highlands thresholds (e.g., more than 3 units or more than 1 acre of land disturbance and/or ¼ acre of impervious coverage) will trigger Highlands review of the project.

Future development proposals may proceed through:

- Highlands Exemptions (particularly Exemption 4, which provides for a 125% increase of existing impervious coverage on an existing developed property); and
- Careful site planning to avoid impacts to critical resources; and/or
- Through the establishment of a Highlands Center Designation, which provides targeted growth opportunities where LUCZ restrictions do not apply (though resource protections still do). In the case of Mendham Borough, this would include the Historic Business, East Business, and Limited Business Zones. All of these zones are situated along East and West Main Street, where there are minimal opportunities for new development.

Limited Development Potential in the Borough of Mendham

Mendham Borough is largely developed, with limited developable land remaining. As identified in the 2025 Vacant Land Analysis conducted for the Fourth Round Housing Element and Fair Share Plan:

- Of 147 undeveloped parcels, only three (3) were identified as potentially developable;
- One parcel is in the 1-Acre Residence Zone, and the other two are in the 5-Acre Residence Zone, including the Sisters of Christian Charity property (Block 2301, Lot 13), a 44-acre site;
- These parcels are generally constrained by zoning and environmental limitations, and any proposed use other than a one- to three-family residential use could trigger Highlands review.

Regarding the 44-acre Sisters of Christian Charity property (Block 2301, Lot 13), Highlands Plan Conformance would subject the site to stricter environmental and land use regulations. Subdivision of the property would be highly restricted and likely limited to very low-density development, except for development in areas of existing impervious coverage on the site. Also of note, there is a farmland parcel (Block 1401, Lot 7) on Main Street that will continue to remain undevelopable because it has already been preserved.

Commercial Zones: Potential Impacts and Limits

Mendham Borough's three commercial zones – Historic Business Zone (HBZ) (**Exhibit 6**), Limited Business Zone (LBZ) (**Exhibit 7**), and East Business Zone (EBZ) (**Exhibit 8**) – are:

- Entirely within the Existing Community Zone (ECZ) under the Highlands LUCZ system;
- Fully or nearly fully developed, with minimal or no vacant land;
- Primarily occupied by historic buildings, small-scale retail, offices, and mixed-use structures.

As a result, Plan Conformance impacts will be minimal in terms of new development potential, but significant in how future redevelopment, infill, or adaptive reuse projects are reviewed. These projects will be subject to updated standards for:

- Stormwater management;
- Impervious surface limits;
- Historic preservation requirements;
- Resource protection (e.g., steep slopes, forest cover, wellhead protection).

In these zones, any significant site modifications or changes in use that exceed regulatory thresholds may trigger a Highlands review. However, due to their built-out nature and preservation focus, only minor infill or adaptive reuse is anticipated.

Commercial Zones

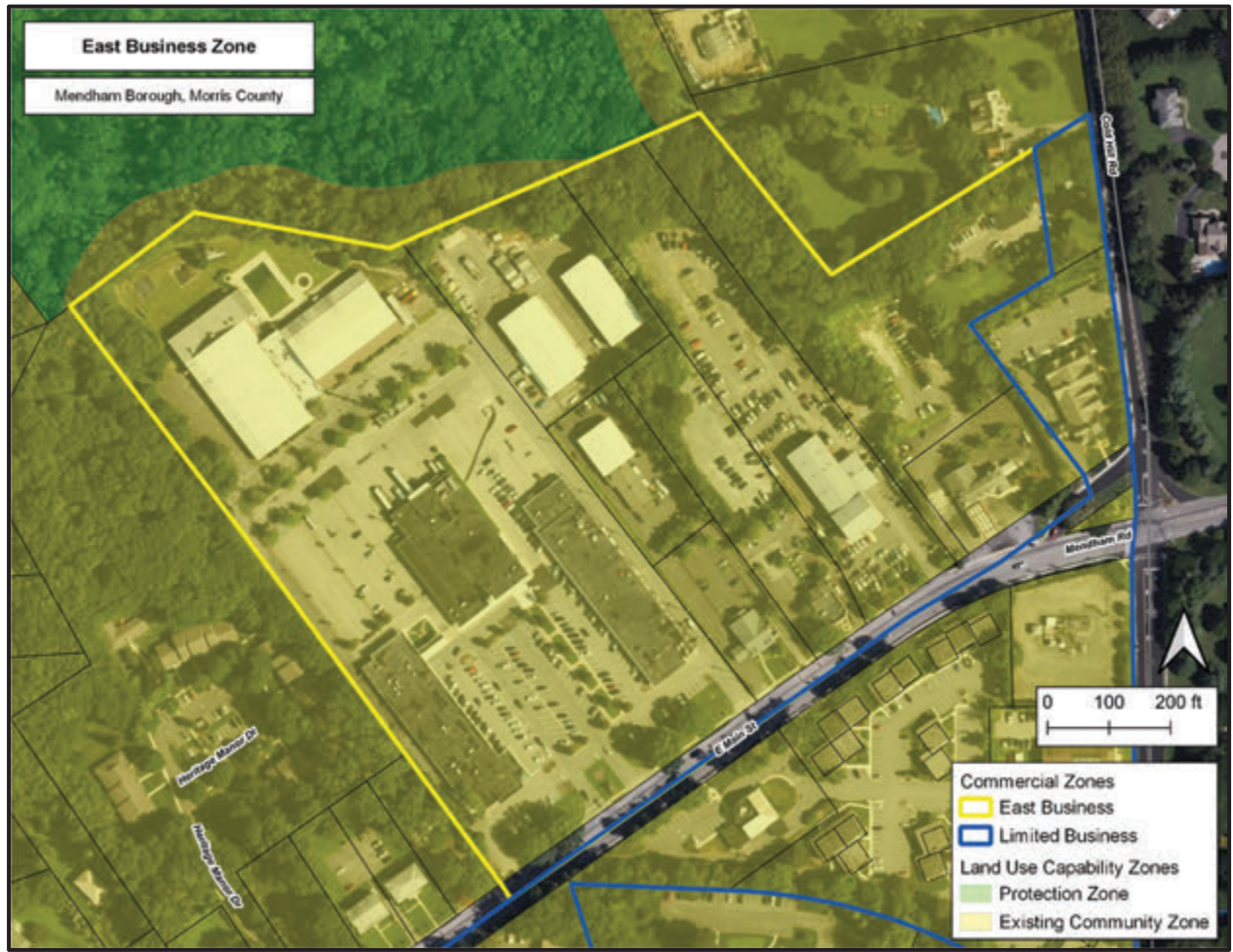
The **Historic Business Zone** is situated in the center of the Borough. There are 57 parcels in this zone; all of them are developed to some extent. This zone is entirely within the Highlands Existing Community Land Use Capability Zone (LUCZ).

Exhibit 6 – Historic Business Zone



The **East Business Zone** is located in the eastern portion of the Borough and north of East Main Street/County Route 24. There are eight (8) parcels in this zone, all of which are nearly fully developed. This zone is entirely within the Highlands Existing Community Land Use Capability Zone (LUCZ).

Exhibit 7 – East Business Zone



The **Limited Business Zone** is adjacent to the East Business Zone in the eastern area of the Borough. In total, there are eight (8) parcels⁴ in the Limited Business Zone. Similar to the other commercial zones, this one is completely built out. This zone is entirely within the Highlands Existing Community Land Use Capability Zone (LUCZ).

Exhibit 8 – Limited Business Zone



⁴ There are 29 “condominium lots” in the Jockey Hollow Professional Park, which encompasses the largest parcel in the Limited Business Zone.

Planning Area Conformance Ordinance and Development Thresholds

If Mendham Borough adopts a Planning Area Conformance Ordinance (see below), new regulatory thresholds would apply to certain development types. These include:

- Disturbance of more than one (1) acre of land for non-residential development;
- Creation of more than three (3) new dwelling units or lots;
- Increases of $\frac{1}{4}$ acre or more of impervious surface.

For projects that do not meet these thresholds, local zoning will continue to apply without additional Highlands review. This framework offers regulatory certainty for the Borough's dominant land uses, particularly its residential neighborhoods.

The Ordinance (see below) also introduces several environmental protections for:

- Highlands open waters and riparian zones;
- Prime groundwater recharge areas;
- Critical habitat;
- Forest resources;
- Water conservation (Net Water Availability);
- Septic system density and limitations on new wastewater infrastructure.

These provisions support Mendham Borough's existing conservation goals and align with its longstanding environmental priorities.

Planning Area Conformance Ordinance Example

The provisions of this Ordinance will apply in conjunction with all other applicable ordinances, rules, and regulations of the municipality, but will supersede in the event of conflicting or less restrictive alternate provisions. Specific changes include the following:

1. Establishment of overlay Highlands Zones and Sub-Zones;
2. Changes to prohibited uses within the established overlay zones;
3. Changes in permitted density and intensity of development for properties to be served by new septic systems;
4. Establishment of resource regulations, including:
 - a. Highlands Open Waters & Riparian Resources
 - b. Critical Habitat
 - c. Steep Slopes
 - d. Prime Ground Water Recharge
 - e. Water Conservation and Deficit Mitigation (Net Water Availability)
 - f. Wellhead Protection Areas
 - g. Forest Resources
5. Establishment of regulatory provisions limiting Septic System Density;
6. Establishment of regulatory provisions and limitations on the installation of new or extended Public Water Systems and Wastewater Collection and Treatment Systems;

7. Establishment of affordable housing regulations to require that any development consisting of newly constructed residential units reserve for occupancy at least 20% of the residential units constructed for low- or moderate-income households; and
8. Establishment of procedures requiring the municipality to, within 15 calendar days of issuance of any decision under this Ordinance, provide a copy of the decision to the Highlands Council; and allowing the Highlands Council's call-up of said decision to expire after 15 days of receipt.

The Planning Area Conformance Ordinance would contain the following exceptions and exemptions:

1. Any project or activity eligible for a Highlands Act exemption, as provided by the Highlands Act at N.J.S.A. 13:20-28 (and listed in the full text of the Ordinance);
2. In the Planning Area:
 - a. Any residential development in the Planning Area that does not create three or more new dwelling units or lots.
 - b. Any non-residential development that results in the ultimate disturbance of less than one (1) acre of land or produces a cumulative increase in impervious surface of one-quarter ($\frac{1}{4}$) acre or less.
3. Any of a list of specified exclusions, involving minor or interior improvements to existing structures and activities, such as the reconstruction within the same footprint, of any building or structure lawfully existing as of the effective date of the Ordinance.

If a project does not meet the above exception or exemption thresholds, the underlying zoning standards apply.

Potential for Highlands Center Designation

The Highlands Center Designation is a planning tool available through Plan Conformance that allows municipalities to designate a specific area for focused development or redevelopment. Within a Highlands Center, LUCZ restrictions do not apply, though environmental standards still must be met. This can provide flexibility for municipalities seeking to support economic development while protecting environmental assets.

In Mendham Borough's case, however, the commercial zones are largely built out; given this condition, pursuing a Highlands Center Designation would be a policy decision based on the established goals of the municipality for Plan Conformance. If community planning priorities support targeted infill, additional commercial and mixed-use development along with affordable housing within the existing commercial corridors, the Borough may wish to use this tool as part of a phased Plan Conformance strategy. **Exhibits 9 and 10** illustrate the Borough's Sewer Service Area and Public Water Service Area, respectively, which would help determine where public utilities already exist for a future Highlands Center.

Exhibit 9 – Sewer Service Area

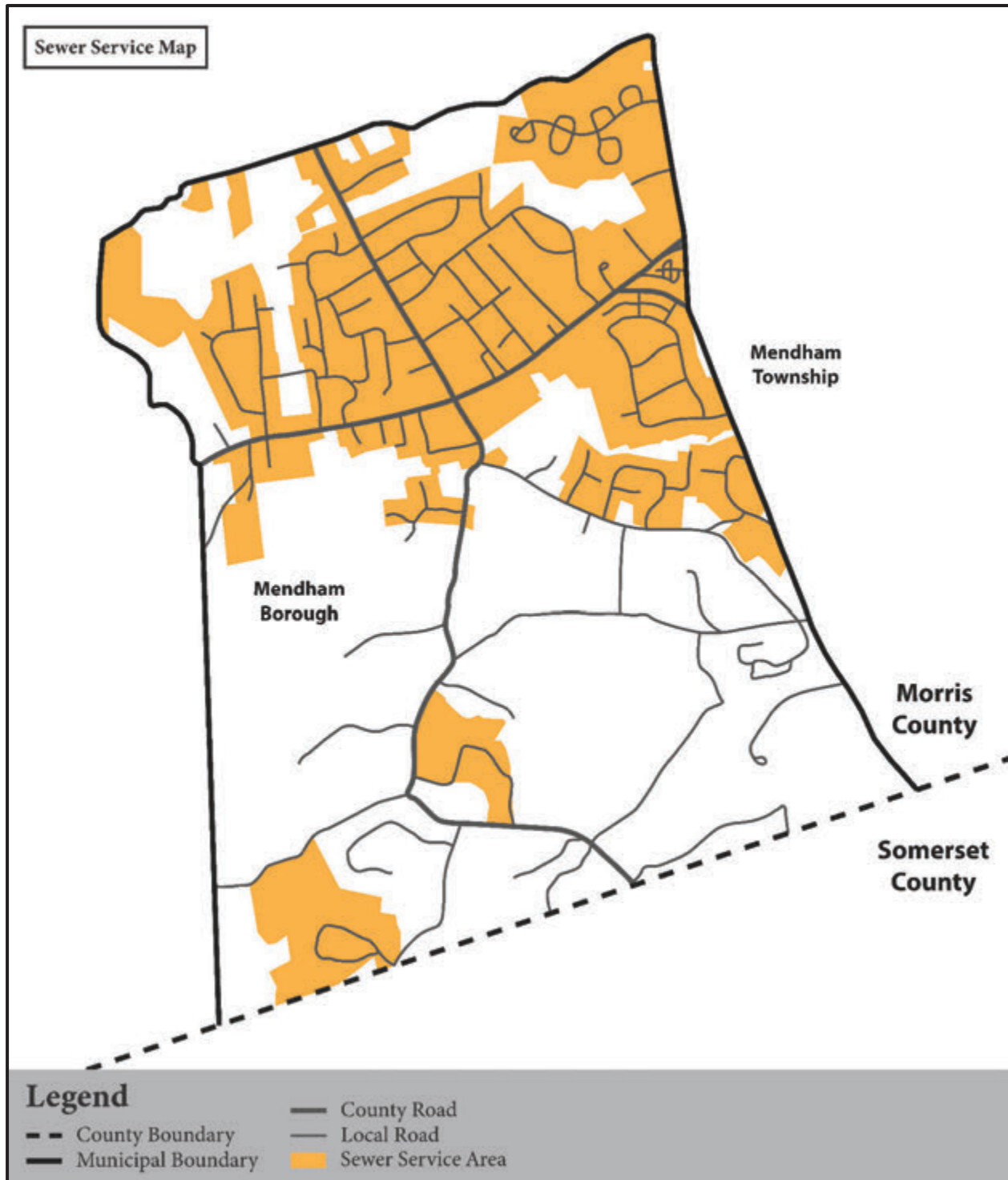
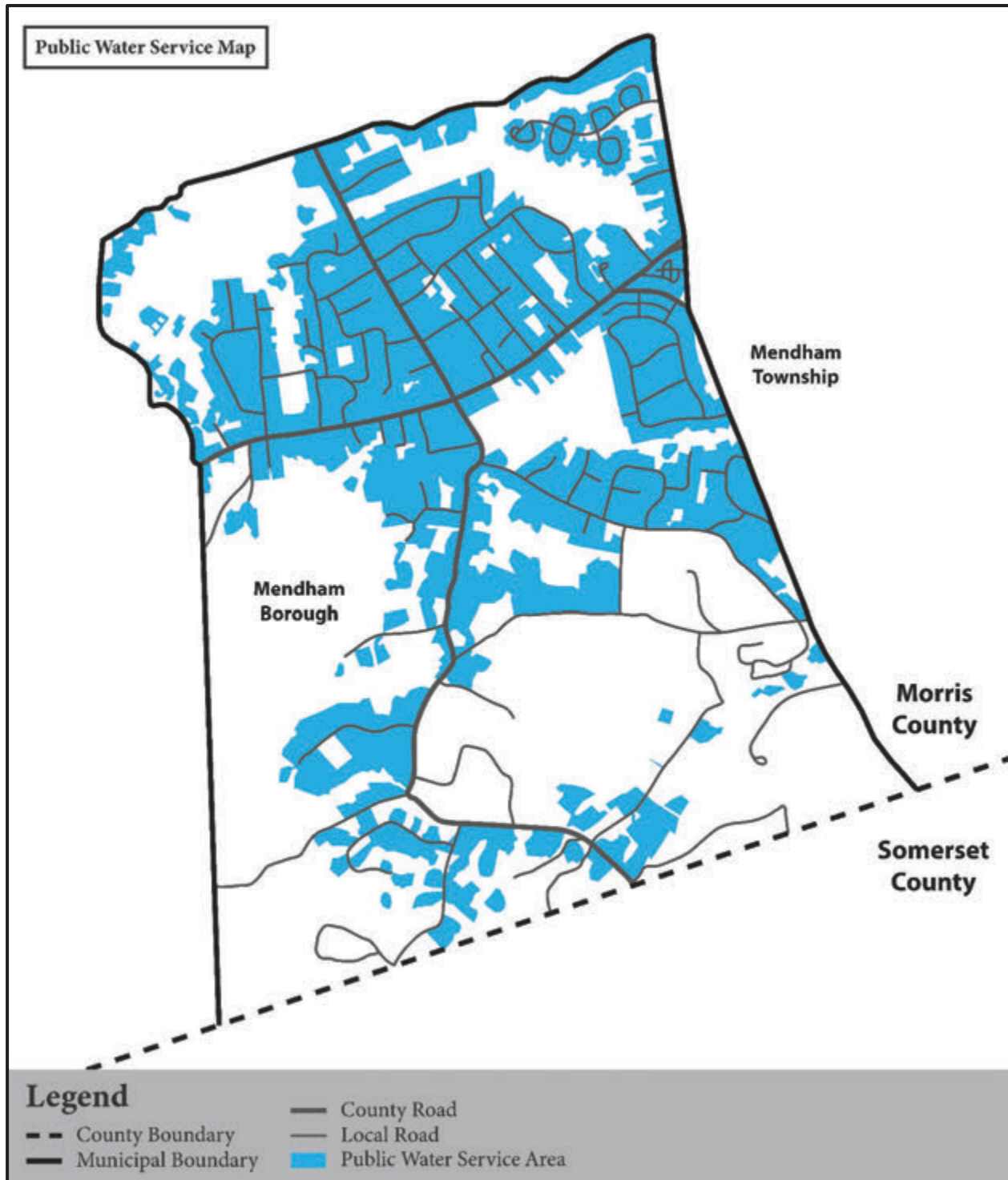


Exhibit 10 – Public Water Service Area



Summary of Anticipated Impacts

Category	Anticipated Impact of Plan Conformance
Residential Zones	Minimal, if any; one- to three-family homes are exempt.
Commercial Zones	Moderate; redevelopment/infill subject to Highlands resource protections and infrastructure standards.
Vacant Land	Moderate; will impact large, undeveloped and partially developed parcels.
Environmental Protection	Enhanced protections for water, habitat, and steep slopes across all zones.
Affordable Housing	May be supported through targeted zones and infill development and redevelopment, but overall will minimize future obligations.
Stormwater & Infrastructure	Upgraded standards required under Plan Conformance.
Planning Tools	Optional adoption of Highlands Center Designation; Mandatory updated ERI, Master Plan, and Ordinances to align with RMP.

4. Changes to the Borough of Mendham's Planning Programs

Proposed Changes for Highlands Plan Conformance

After analyzing the findings of this report, the following changes are proposed to the Borough's planning programs to achieve Full Plan Conformance.

Adopt Highlands Conformance Ordinance

The Borough of Mendham would be required to adopt a Highlands Conformance Ordinance, which will serve to protect municipal resources. Future land use ordinance amendments may follow to update existing municipal ordinances.

Adopt Highlands Exemption Ordinance

Mendham Borough would be required to adopt a Highlands Exemption Ordinance, which would clearly outline the applicable Highlands exemptions in the Borough code.

Adopt Updated Environmental Resource Inventory

The Borough of Mendham would need to review the Highlands Interactive Environmental Resource Inventory (ERI) and prepare and adopt an updated Borough ERI.

Adopt Reexamination Report and Highlands Element of the Master Plan

Mendham Borough would be required to prepare and adopt a Highlands Element and Reexamination Report to ensure the Borough's Master Plan is aligned with the Highlands RMP.

Update Borough Master Plan

The most recent Master Plan Update was completed in 2006, and the most recent Reexamination Report was completed in 2025. The Borough of Mendham may consider completing a new Master Plan Update due to new requirements from the State and to better reflect Highlands RMP goals, context, and data. Furthermore, New Jersey now requires municipalities to include a Climate Change Related Hazard Vulnerability Assessment as part of their Land Use Element.

Update Borough Master Plan Elements and Consider New Studies

Mendham Borough should update its existing additional and relevant Master Plan Elements, including its Circulation Plan, Community Facilities Plan, Recreation and Conservation Plan, and Public Utilities Plan. Furthermore, the Borough may consider completing new Master Plan Elements, such as a Sustainable Economic Development Plan and a Farmland Preservation Plan.

Update the Open Space Plan and Pursue More Funding for Open Space

The Borough will need to update its Open Space, Recreation & Historic Preservation Plan, which was adopted in 2002. This update should include an overall plan for Mendham Borough's open space, including new and proposed property purchases. The Borough should work with Morris County, the Highlands Council, and surrounding municipalities to provide and expand corridors of open space and natural features to support habitat connectivity and adaptation to changing climate and ecological conditions. As part of an updated Open Space Plan, the Borough should work with the Highlands Council to discuss potential funding partnership options. The Borough should also consider providing

enhanced and expanded public access to popular and/or important natural areas and outdoor recreational facilities.

[Update Borough Zoning Map](#)

Mendham Borough should update its municipal zoning map to reflect Highlands Plan Conformance as needed.

[Complete and Implement a Water Use and Conservation Management Plan \(WUCMP\)](#)

The Borough should work with the Highlands Council to develop a Water Use and Conservation Management Plan (WUCMP) to ensure efficient water use through conservation and Low Impact Development, and to avoid the creation of new deficits in Net Water Availability.

[Update Municipal Stormwater Management Plan](#)

Mendham Borough should update its existing Municipal Stormwater Management Plan (MSWMP), prepared in 2005 and revised in 2006, to include the new MS4 requirements.

[Attend Highlands Council Training Sessions](#)

The Borough of Mendham will attend various Highlands Council training sessions to learn about GIS tools, build-out analysis, and other municipal ordinances that the Borough may consider.

Exhibit 11 – Draft Implementation Plan

Draft Implementation Plan			
Task	Plan Conformance Task	Timeline	Description and Comments
1	Adopt Highlands Conformance Ordinance	FY2026 Priority	Will serve to protect municipal resources. Future land use ordinance amendments may follow to update existing municipal ordinances.
2	Adopt Highlands Exemption Ordinance	FY2026 Priority	Will clearly outline the applicable Highlands exemptions in the Borough code.
3	Adopt Additional Highlands Model Ordinance	Year 2+	Examples include: Carbonate Rock, Prime Groundwater Recharge, Wellhead Protection, and Cluster Development.
4	Adopt Environmental Resource Inventory	FY2026 Priority	Review the Highlands Interactive ERI and prepare and adopt a Borough ERI.
5	Adopt Reexamination Report and Highlands Element of the Master Plan	FY2026 Priority	Align the Borough's Master Plan with the Highlands RMP.
6	Update Borough Master Plan	Year 2+	Complete a new Master Plan Update, including State Requirements (Climate Change Hazard Vulnerability Assessment as part of the Land Use Element) and reflecting the Highlands RMP.
7	Update Borough Master Plan Elements and Consider New Studies	Year 2+	Examples include: Circulation Plan, Community Facilities Plan, Recreation Plan, Conservation Plan & Public Utilities Plan. Consider completing a Sustainable Economic Development Plan.
8	Update the Open Space Plan and Pursue Funding for Open Space	FY2026 Priority	Update the 2022 Open Space, Recreation & Historic Preservation Plan, working with Morris County, the Highlands Council, and surrounding municipalities.
9	Update Borough Zoning Map	Year 2+	Update zoning map to reflect Highlands Land Use Capability Zones (LUCZ).
10	Complete and Implement a Water Use and Conservation Management Plan (WUCMP)	Year 2+	Work with the Highlands Council to develop a Water Use and Conservation Management Plan (WUCMP).
11	Update Municipal Stormwater Management Plan	FY2026 Priority	Update the existing Municipal Stormwater Management Plan (MSWMP) to include the new MS4 requirements.
12	Attend Highlands Council Training Sessions	Ongoing	Attend training sessions to learn about Highlands Council resources.

APPENDIX C

**HIGHLANDS RESOURCE MAPS
Petition for Plan Conformance
Borough of Mendham, Morris County**

Exhibit 1: Highlands Area and Highlands Land Use Capability Zones

Mendham Borough

Land Use Capability Zones

- Protection Zone
- Existing Community Zone

Land Use Capability Sub-Zones

- Conservation - Environmentally Constrained Sub-Zone
- Existing Community - Environmentally Constrained Sub-Zone

Municipal Boundary

Parcel Boundaries

Roads

County Highways



Map Created: 5/21/2025

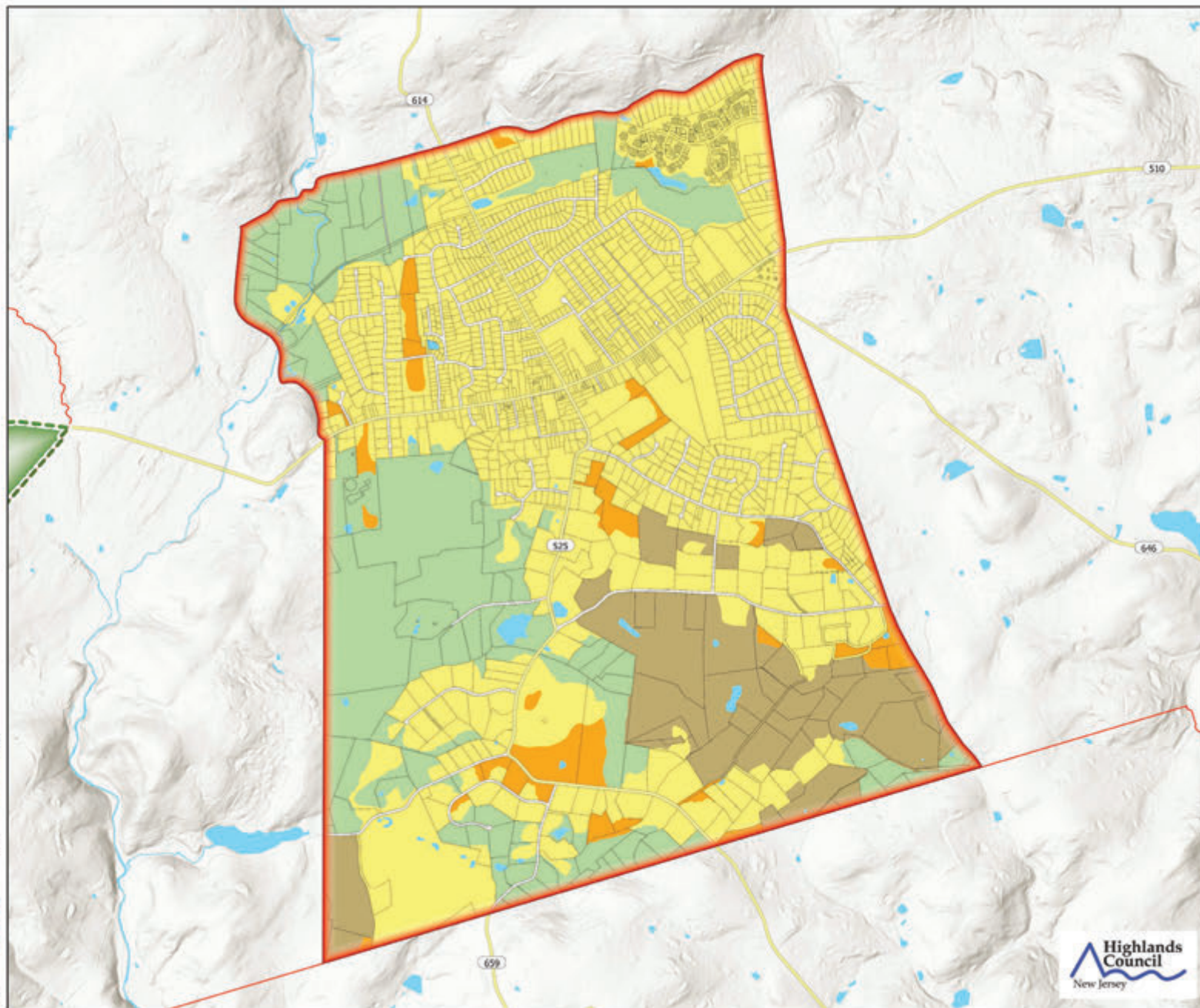


Exhibit 2: Wellhead Protection Areas

Mendham Borough

Wellhead Protection Areas

- Tier 1 (2 - Year)
- Tier 2 (5 - Year)
- Tier 3 (12 - Year)

Municipal Boundary

Highlands Preservation Area

Parcel Boundaries

Roads

County Highways



Map Created: 5/21/2025

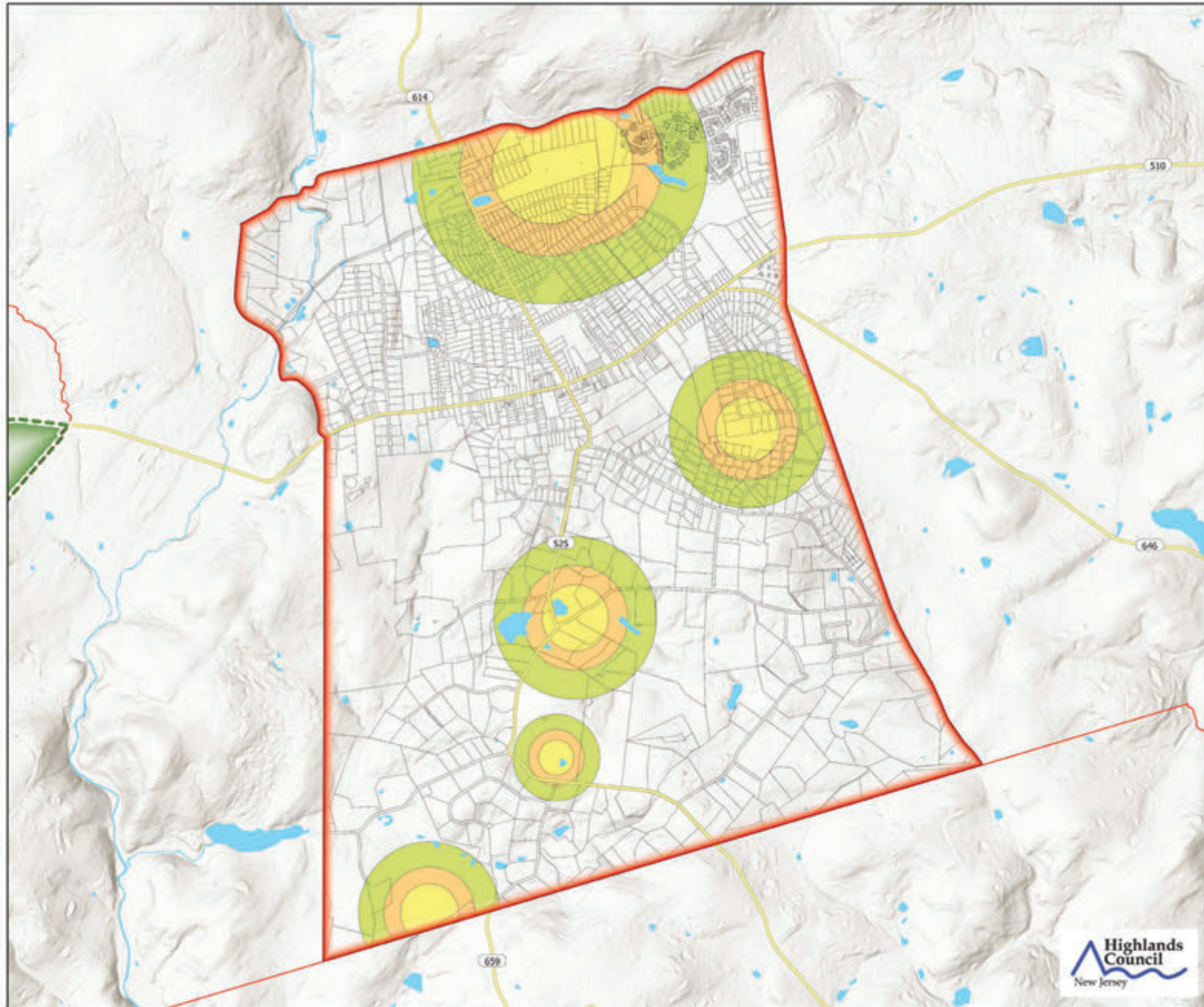


Exhibit 3: Highlands Open Waters and Buffers

Mendham Borough

- Streams
 - Wetlands
 - Hydrology
 - Highlands Open Water Buffers (300ft)
 - Municipal Boundary
 - Highlands Preservation Area
 - Parcel Boundaries
- Roads
- County Highways



Map Created: 5/22/2025

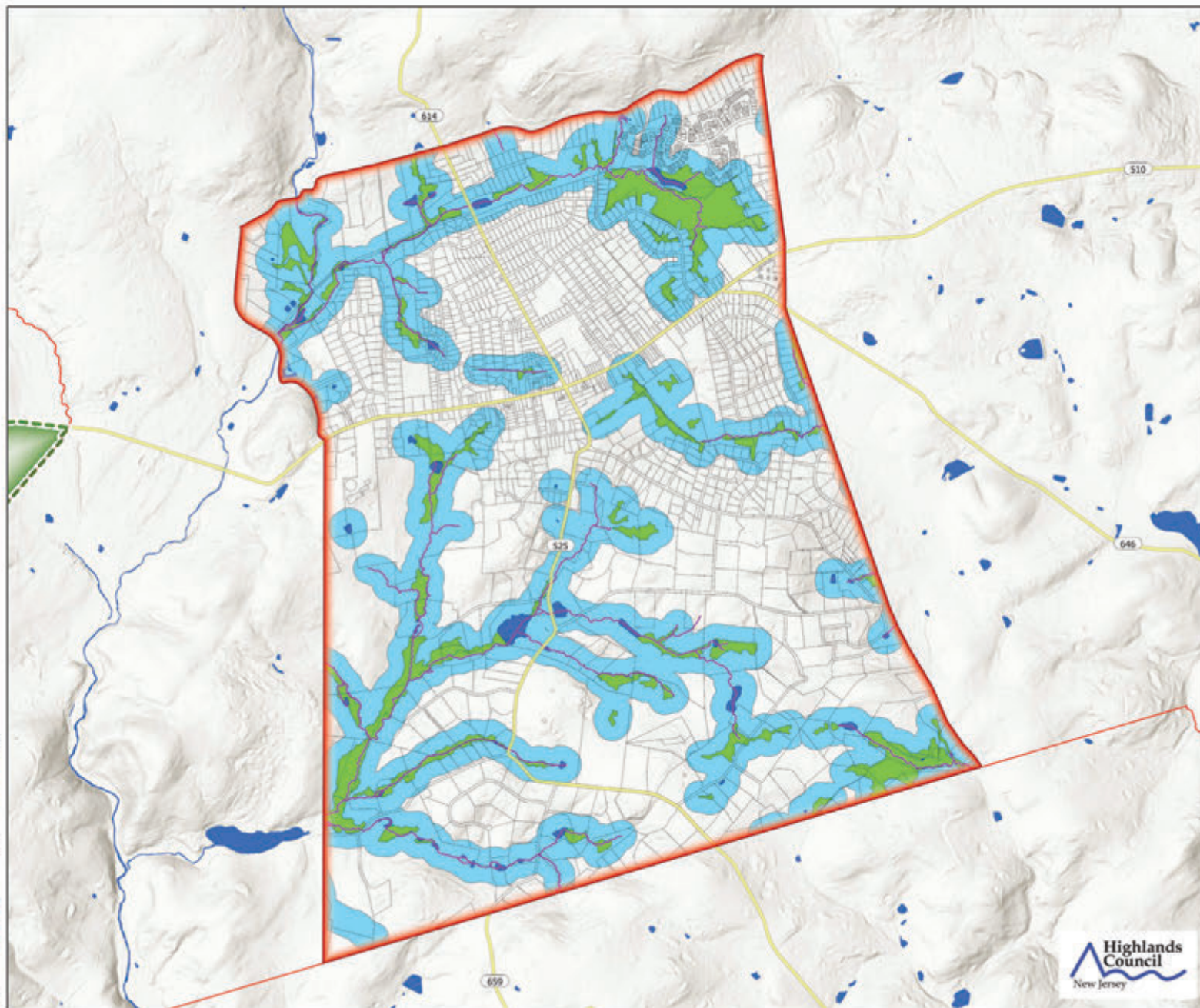


Exhibit 4: Highlands Riparian Areas

Mendham Borough

- Riparian Area
 - Municipal Boundary
 - Highlands Preservation Area
 - Parcel Boundaries
- Roads
- County Highways



Map Created: 5/20/2025

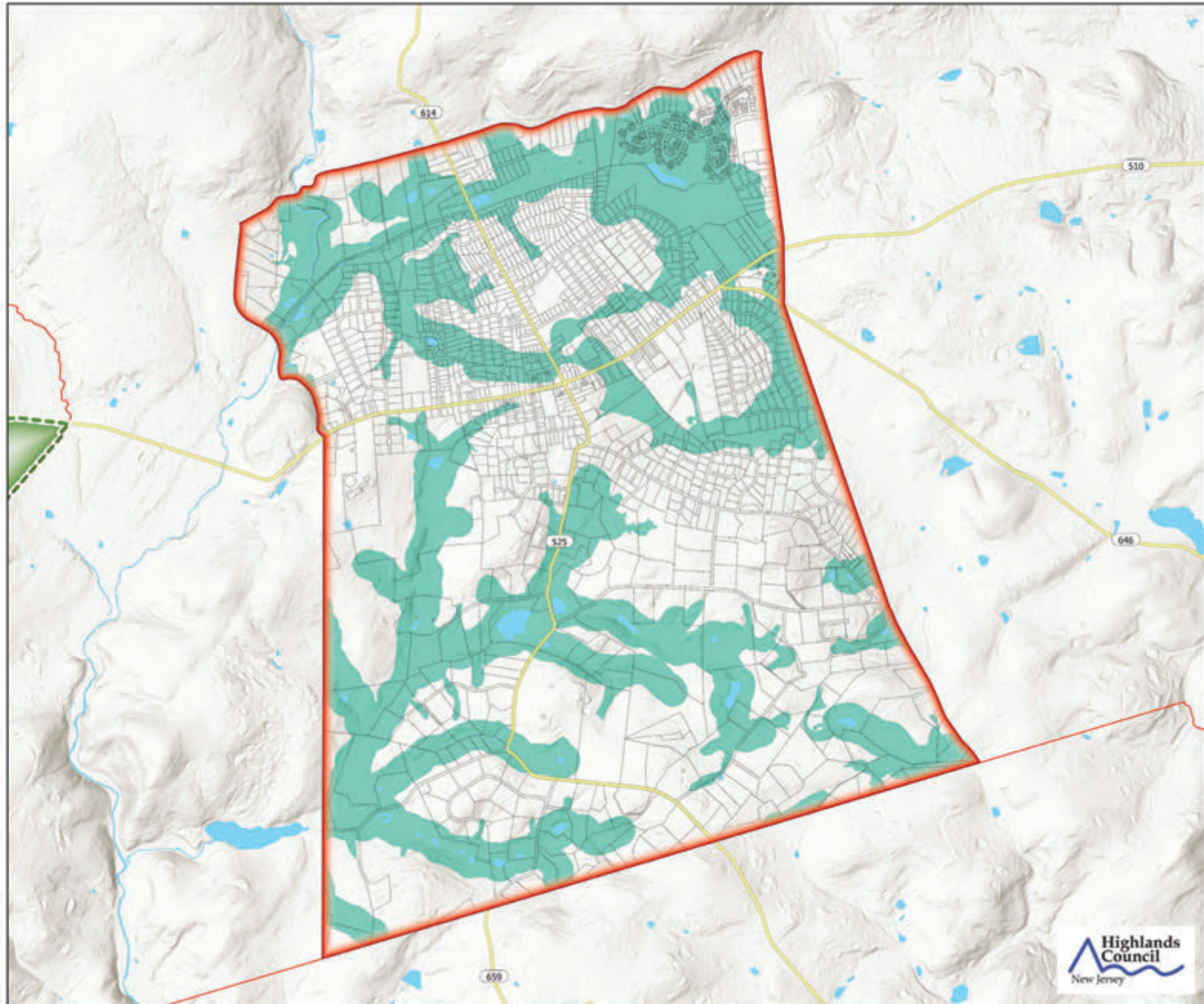


Exhibit 5: Net Water Availability

Mendham Borough

Net Water Availability by HUC14 Subwatershed
(MGD)



Municipal Boundary

Highlands Preservation Area

Parcel Boundaries

Roads

County Highways

* Indicates updated data was used in for this HUC



Map Created: 5/20/2025

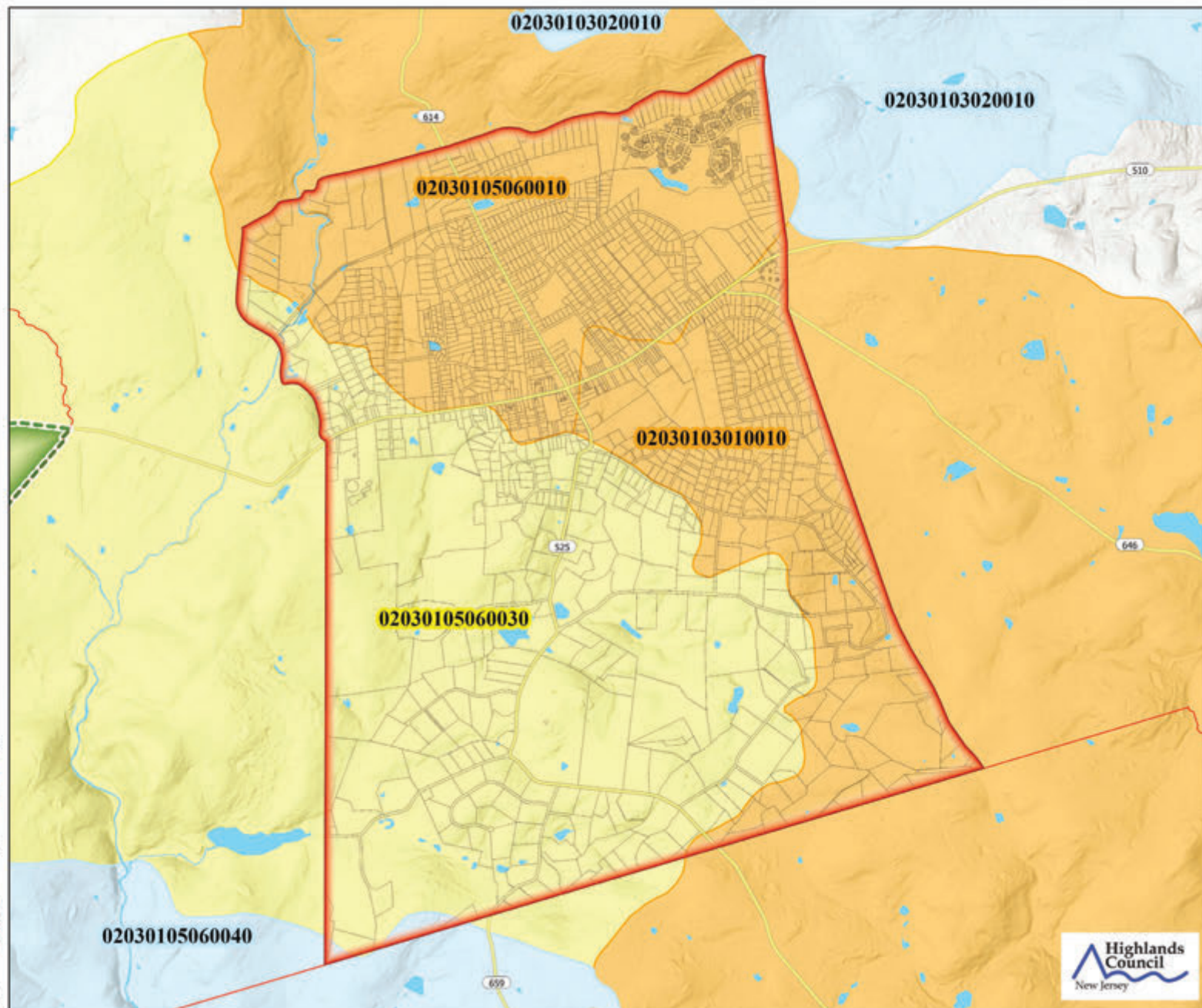


Exhibit 6: Forest Area

Mendham Borough

- Total Forest Area
- Municipal Boundary
- Highlands Preservation Area
- Parcel Boundaries
- Roads
 - County Highways



Map Created: 5/21/2025

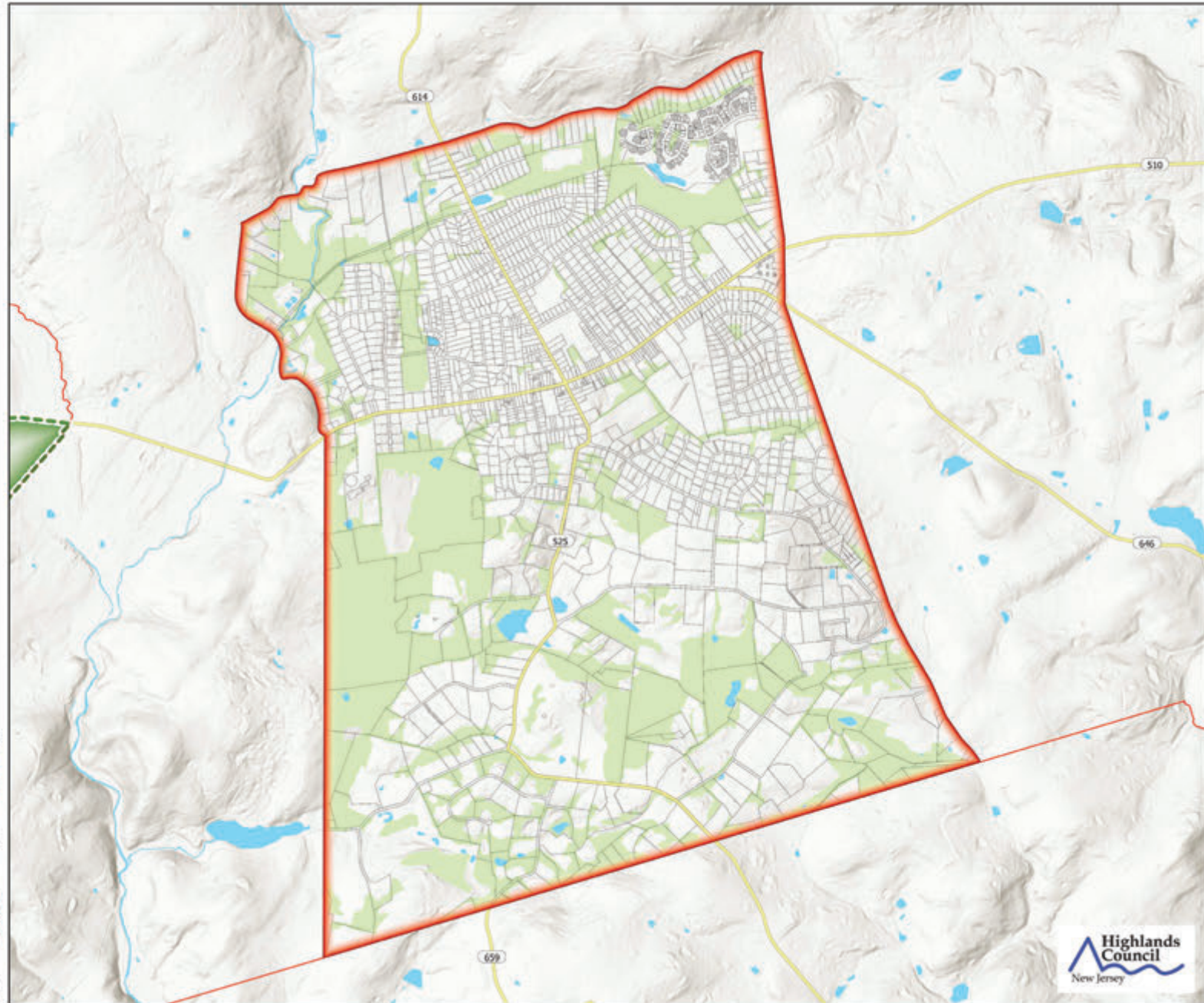


Exhibit 7: Prime Groundwater Recharge Areas

Mendham Borough

- Prime Ground Water Recharge Areas
- Municipal Boundary
- Highlands Preservation Area
- Parcel Boundaries
- Roads
 - County Highways



Map Created: 9/11/2025

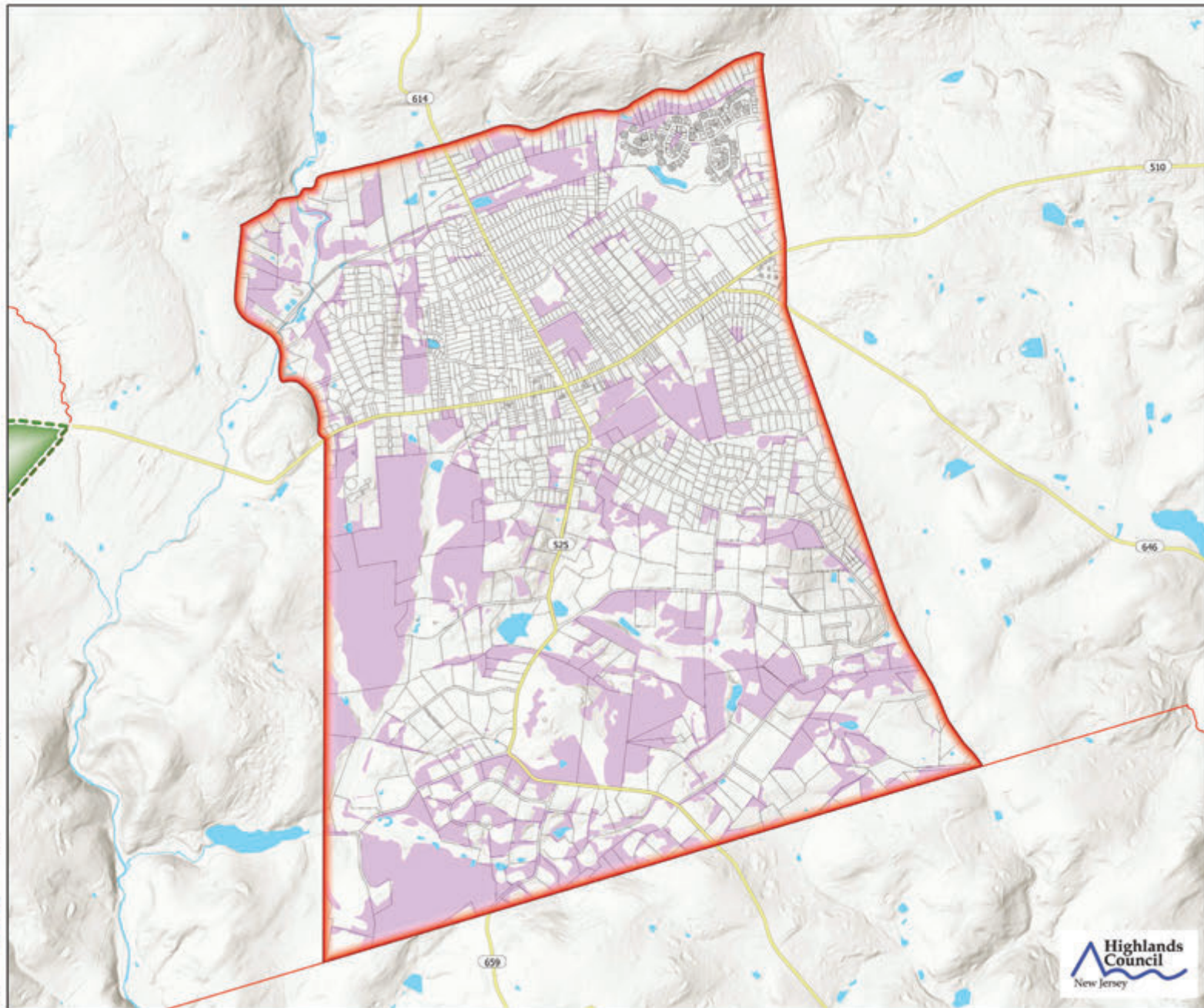


Exhibit 8: Special Environmental Zone

Mendham Borough

-  Municipal Boundary
-  Highlands Preservation Area
-  Parcel Boundaries
- Roads**
 -  County Highways



Map Created: 5/21/2025

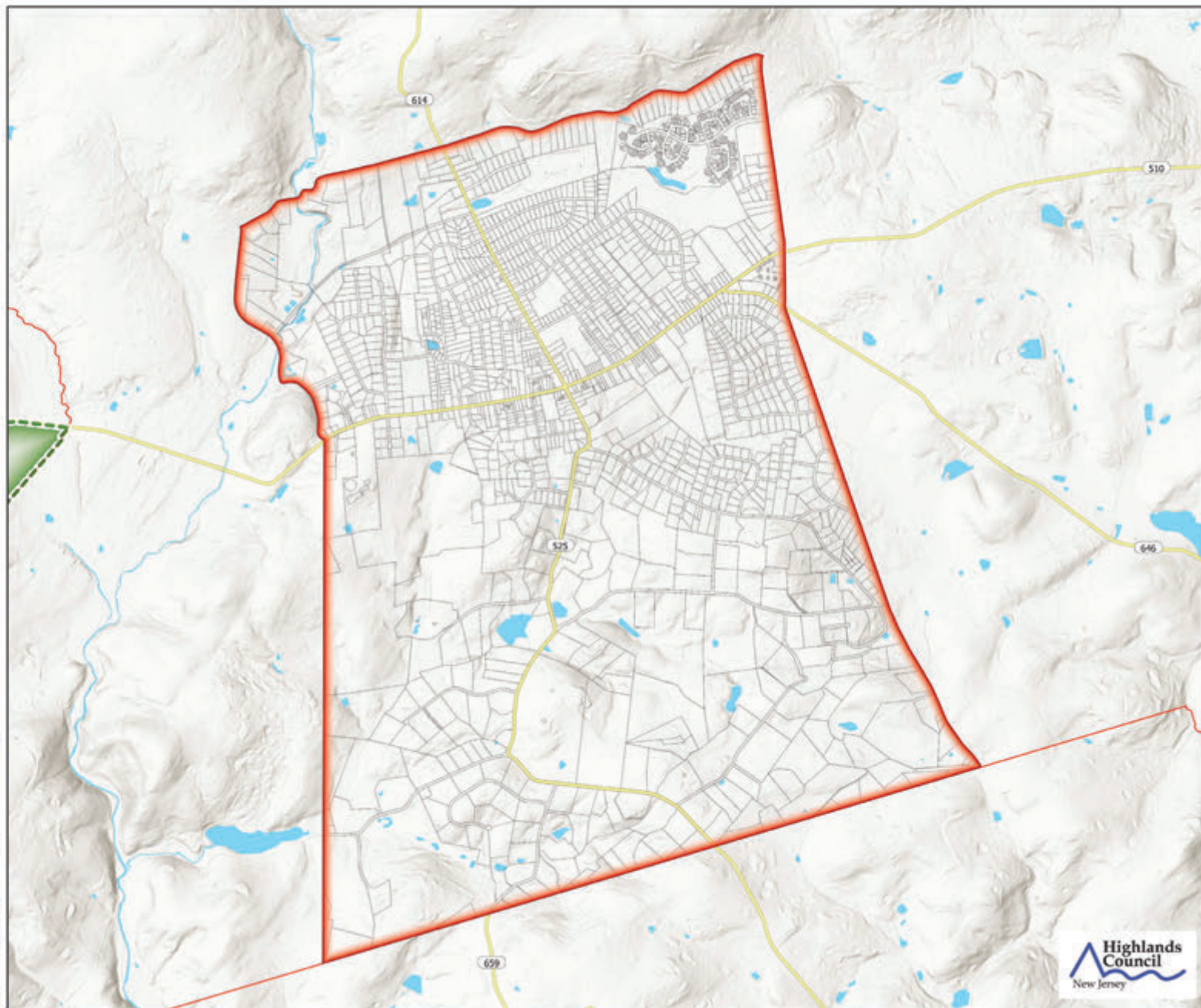


Exhibit 9: Steep Slope Protection Areas

Mendham Borough

Steep Slope Protection Area

Moderate

Severe

Municipal Boundary

Highlands Preservation Area

Parcel Boundaries

Roads

County Highways



Map Created: 5/19/2025

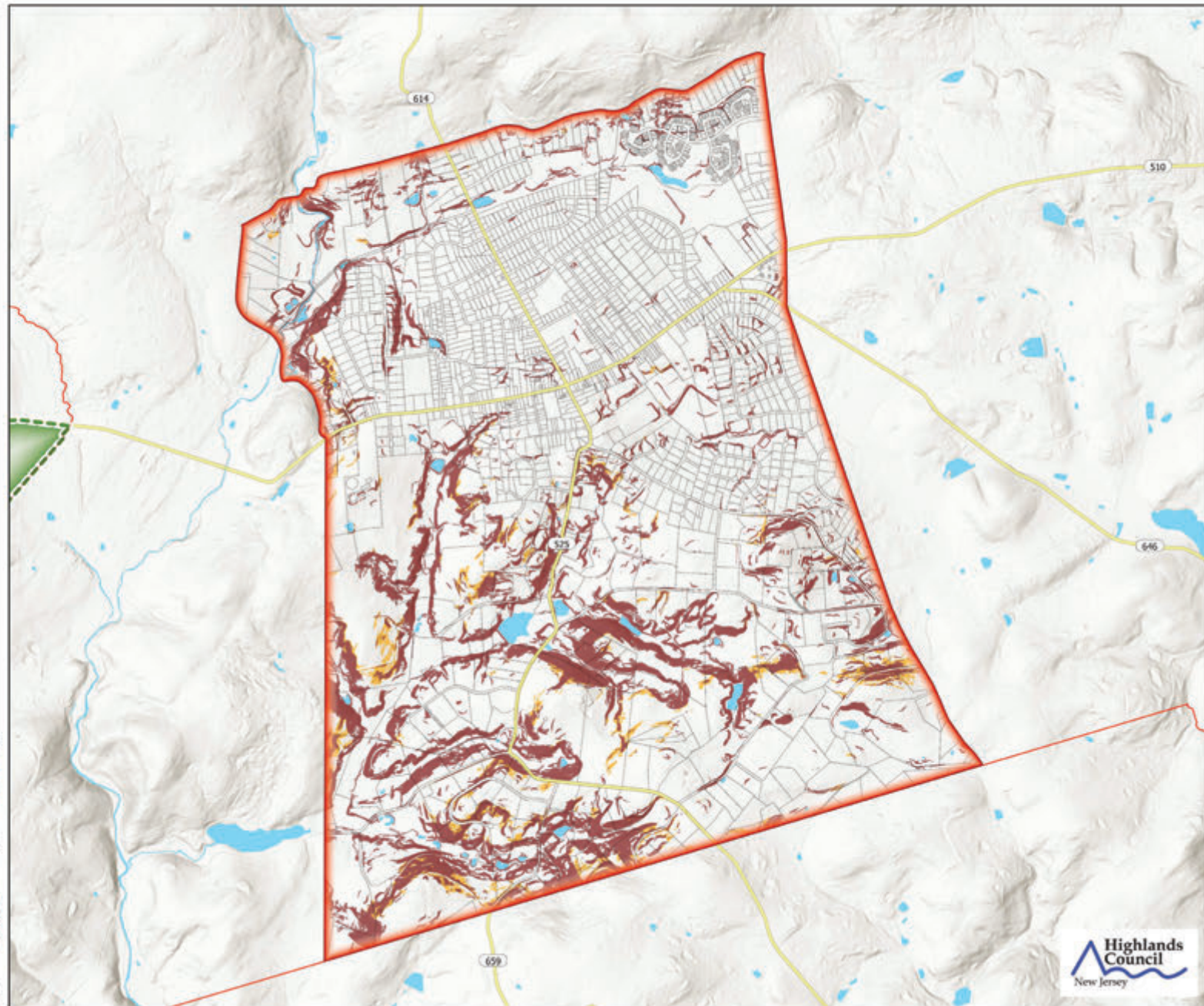


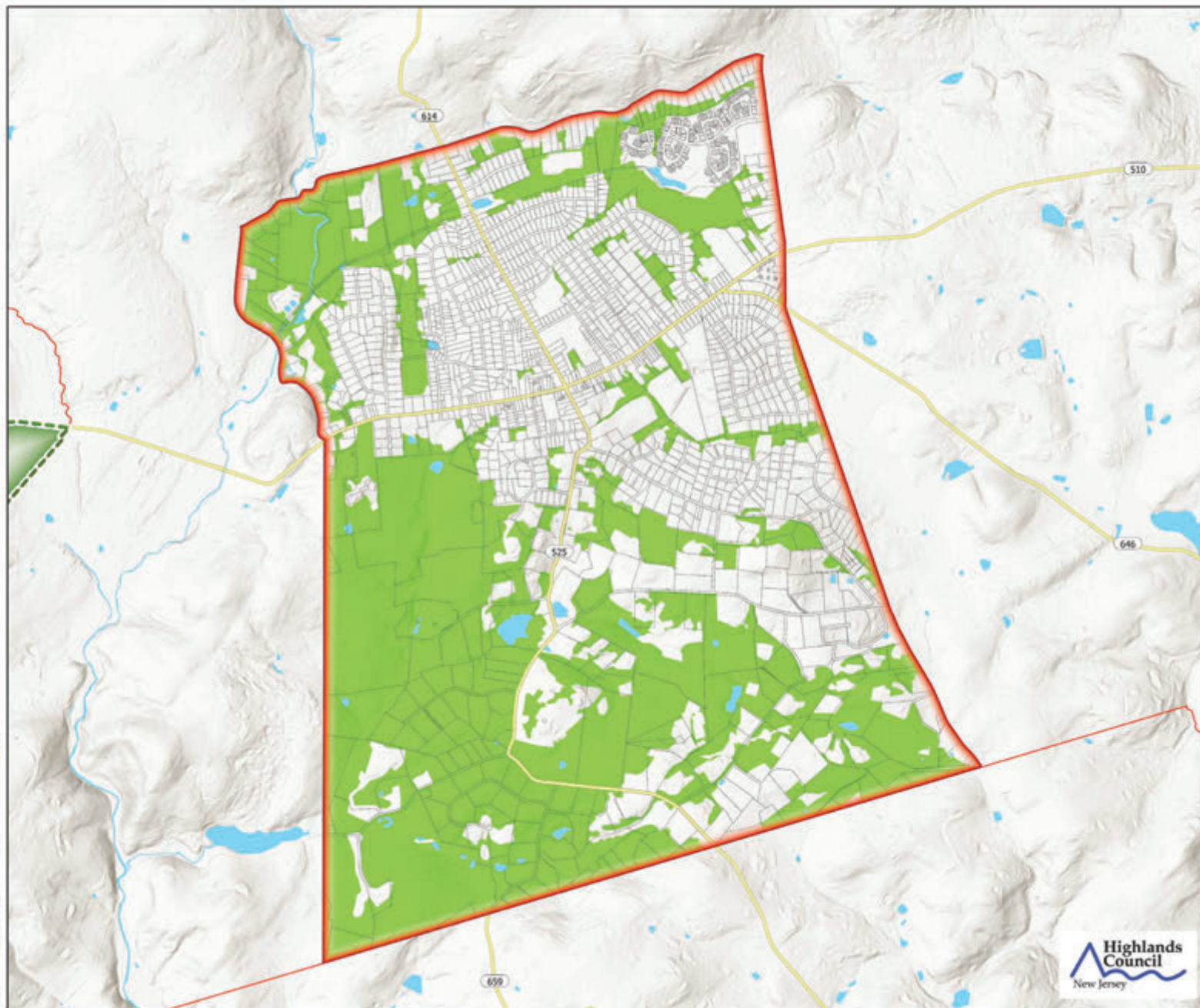
Exhibit 10: Critical Wildlife Habitat, Vernal Pools and NJDEP Natural Heritage Priority Sites

Mendham Borough

- Confirmed Vernal Pool Buffer (1,000 ft)
- Critical Wildlife Habitat
- Municipal Boundary
- Highlands Preservation Area
- Parcel Boundaries
- Roads
 - County Highways



Map Created: 4/17/2025



APPENDIX D

PUBLIC COMMENT/HIGHLANDS RESPONSE

Petition for Plan Conformance Borough of Mendham, Morris County

PUBLIC COMMENTS RECEIVED

Written comments regarding Mendham Borough's Petition for Plan Conformance were accepted by the Highlands Council through the close of the Public Comment period on January 2, 2026. [No or number] public comments were received.

The Petition was also reviewed by the Office of Planning Advocacy per the Highlands Council's Plan Endorsement from the State Planning Commission.