

**OAKLAND PLANNING BOARD RESOLUTION
ADOPTING A HOUSING ELEMENT AND
FAIR SHARE PLAN AS A SUB-ELEMENT OF
OAKLAND'S MASTER PLAN**

WHEREAS, the Planning Board of the Borough of Oakland, County of Bergen, State of New Jersey, has a Master Plan which has been adopted and re-examined from time to time pursuant to the applicable laws of the State of New Jersey; and

WHEREAS, the Borough of Oakland (the "Borough") is required to meet its affordable housing obligation which is made up of both present need (rehabilitation obligation) and prospective need obligation; and

WHEREAS, these obligations are calculated in time periods known as "rounds"; and

WHEREAS, the Department of Community Affairs ("DCA") has calculated a Round Four present need obligation of 10 units and a prospective need obligation of 306 units for the Borough; and

WHEREAS, the Borough analyzed the data that resulted in that obligation and, as permitted under the Fair Housing Act Amendment (FHA-2), re-calculated a prospective need obligation of 252 units; and

WHEREAS, the Borough adopted a binding Resolution stipulating its Round Four affordable housing obligation on January 27, 2025; and

WHEREAS, the New Jersey Builders Association objected to the Borough's asserted prospective need obligation and as a result, a settlement was reached between the parties for a prospective need obligation of 286 units as memorialized in a Settlement Agreement dated April 8, 2025; and

WHEREAS, it is the Borough's position that it can continue its durational adjustment pursuant to *N.J.A.C. 5:93-4.3* which would further reduce its prospective need obligation; and

WHEREAS, the Borough's planner, T&M Associates, prepared a draft of a Housing Element and Fair Share Plan ("Plan") dated June 12, 2025 which concludes for the reasons set forth therein that the Borough is eligible to continue its durational adjustment; and

WHEREAS, on June 23, 2025, the Planning Board held a Special Public Hearing to review the Plan pursuant to which the following notices were given:

- (a) Notice to the surrounding municipalities of the Borough.
- (b) Notice and a copy of the Plan to the Bergen County Planning Board and the New Jersey Office of Planning Advocacy.
- (c) Notice published in The Record on June 13, 2025.

WHEREAS, all of the above Notices were given at least 10 days prior to June 23, 2025; and

WHEREAS, during the presentation to the Planning Board, Caroline Reiter of T&M Associates highlighted the following provisions of the Plan:

- ◆ That in the Borough's Round Three Housing Element and Fair Share Plan, it was noted that the Borough does not contain the land resources necessary to fully fulfil the new construction obligation assigned to the Borough. Understanding this limitation and consistent with counsel on affordable housing's rules, the Borough is entitled to receive a vacant land adjustment.
- ◆ That the Third Round Plan continued by noting that in addition to lacking the land resources necessary to fully implement its new construction obligation, the Borough generally lacks the sanitary sewer infrastructure necessary to construct higher density housing. As a result of this lack of infrastructure, the Borough was entitled to a durational adjustment to its new construction obligation pursuant to

COAH rules through the end of the Third Round housing cycle. It is anticipated that the need of the Borough to receive a durational adjustment will out-live the Third Round housing cycle and continue into the Fourth Round cycle.

- ◆ That in essence, since the Borough lacks the available infrastructure to provide for its affordable housing obligations, it is therefore eligible to continue its durational adjustment. Thus, the Borough is proposing to increase density in an overlay zone in an effort to formalize its commitment to provide its fair share of affordable housing. The majority of the Borough's affordable housing mechanism are located within the Highlands Planning Area and the SDRP Planning Area 1.
- ◆ That all affordable units in the Borough will conform to necessary rules, legislation and regulations including, but not limited to, bedroom distribution and income distribution. At least 13% of all affordable housing units will be available to very low income households.
- ◆ That this Plan addresses the Borough's affordable housing obligation within the confines of sound planning while respecting its environmental and infrastructure constraints and development characteristics.
- ◆ That although the Borough's prospective need obligation is presently at 286 units, the Borough will continue its efforts to ~~decrease~~ ^{FOURTH ROUND DEPER} that obligation by continuing its durational adjustment pursuant to *N.J.A.C. 5:93-4.3*.

WHEREAS, based on the Planning Board's review of the Plan, as well as a presentation by Caroline Reiter, the Planning Board has determined that the Plan is consistent with the goals and objectives of the Borough's Master Plan. Thus, the adoption and implementation of the Plan will be in the public interest by protecting the public health, safety and general welfare;

NOW, THEREFORE, BE IT RESOLVED that the Planning Board hereby adopts the draft of the Housing Element and Fair Share Plan dated June 12, 2025 as a Sub-Element of the Borough's Master Plan. Said Plan is hereby incorporated herein by reference; and

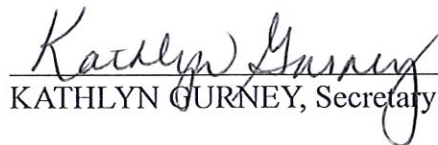
BE IT FURTHER RESOLVED that the Planning Board also recommends that the draft of the Housing Element and Fair Share Plan dated June 12, 2025 be endorsed by the Mayor and Council of the Borough of Oakland; and

BE IT FURTHER RESOLVED that the Planning Board hereby gives T&M Associates the discretion to make any and all minor revisions to the Plan which may be required or necessary to satisfy the Borough's affordable housing obligation.

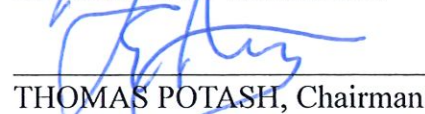
The Planning Board on June 23, 2025, voted to approve and adopt the draft of the Housing Element and Fair Share Plan dated June 12, 2025 by the following vote:

Name	Motion	Second	Yes	No	Abstain	Absent	Ineligible
Lee Haymon						X	
Russell Talamini			X				
Thomas Connolly	X		X				
Joseph Marscovetra			X				
Gregory Liss		X	X				
Andrea Levy			X				
Mayor Eric Kulmala			X				
Thomas Potash			X				
Edward Clark			X				
Andrew Gissonna (Alt. 1)			X				

APPROVED:


KATHLYN GURNEY, Secretary

PLANNING BOARD OF THE
BOROUGH OF OAKLAND


THOMAS POTASH, Chairman

THIS RESOLUTION WAS PREPARED BY JOSEPH A. RUSSO, ESQ.

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* AND AS REVISED TO INCLUDE MS. REITER'S SUGGESTED
REVISIONS MADE AT THE HEARING