



**BOROUGH OF WANAQUE
COUNTY OF PASSAIC
STATE OF NEW JERSEY**



RESOLUTION # 2025-164

Title: RESOLUTION ENDORSING THE 2025 HOUSING ELEMENT AND FAIR SHARE PLAN

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L.2024, c.2, establishing a new framework for determining and enforcing municipal affordable housing obligations under the New Jersey Supreme Court's Mount Laurel doctrine and the New Jersey Fair Housing Act (the "FHA") (N.J.S.A. 52:27D-301, et al.); and

WHEREAS, among other things, the Act abolished the Council on Affordable Housing (hereinafter "COAH") and replaced it with seven retired, on-recall judges designated as the Program and authorized the Director of the Administrative Office of the Courts (hereinafter respectively "Director" and "AOC") to create a framework to process applications for affordable housing compliance certification; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(f)(1)(b), each municipality was to adopt a binding resolution no later than January 31, 2025 determining and setting forth its present and prospective fair share obligations for the "Fourth Round" of affordable housing obligations ("Fourth Round"); and

WHEREAS, the Mayor and Council of the Borough of Wanaque ("Borough") adopted Resolution No. 68-0-20225 on January 27, 2025 identifying its present need obligation as 15 units and prospective need obligation as 183 affordable units for the Fourth Round; and

WHEREAS, in accordance with the FHA and Administrative Directive #14-24 issued by the Administrative Office of the Courts on December 13, 2024 ("Directive #14-24"), the Borough filed a Complaint for Declaratory Judgment with the Superior Court of New Jersey, Law Division, Bergen County entitled In the Matter of the Application of the Borough of Wanaque, County of Passaic, State of New Jersey, Docket No. BER-L-345-25 on January 28, 2025 (the "DJ Action") identifying its present and prospective fair share obligations for the Fourth Round as set forth above, and committing to adopting and submitting a Fourth Round Housing Element and Fair Share Plan ("HEFSP") as required by the FHA; and

WHEREAS, no parties challenged the Borough's present and prospective need obligations; and

WHEREAS, on March 20, 2025, the Honorable Darren J. DeSardo, P.J.Cv., issued an Order setting the Borough's present need obligation at 15 units and the prospective need obligation at 183 affordable units and further authorized the Borough to proceed with preparation and adoption of a proposed HEFSP to satisfy the Borough's affordable housing obligation; and

WHEREAS, pursuant to N.J.S.A. 52:27D-304.1(f)(2)(a) and Directive #14-24, each municipality must adopt and file as part of its DJ Action a HEFSP, with associated resolutions and proposed drafts of the appropriate zoning and other ordinances necessary to implement its HEFSP no later than June 30, 2025; and

WHEREAS, the Borough of Wanaque Planning Board ("Board") adopted the HEFSP entitled "Fourth Round Housing Element and Fair Share Plan" prepared by the Borough's affordable housing planner, Lyndsey Knight, PP, AICP in conjunction with Benecke Economics "Fourth Round HEFSP") **WHEREAS**, the Borough of Wanaque on June 19, 2025; and

WHEREAS, the Borough of Wanaque has historically been committed to providing affordable housing opportunities and to ensure that this Housing Element and FSP is implemented upon adoption by the Wanaque Planning Board; and



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WHEREAS, the Borough Council has adopted as part of the General Ordinance of the Code Article XI Affordable Housing Provisions. Section 114 of the General Ordinances, §114-63 A, B and C established the implementation provisions of the Borough's Affordable Housing obligations, to wit:

- A. This article is intended to assure that low- and moderate-income units ("affordable units") are created with controls on affordability over time and that low- and moderate-income households shall occupy these units. This article shall apply except where inconsistent with applicable law.
- B. The Wanaque Borough Planning Board on June 19, 2025 adopted the Wanaque Housing Element and Fair Share Plan pursuant to the Municipal Land Use Law at N.J.S.A. 40:55D-1 et seq., with the Fair Share Plan now being endorsed by the governing body. The 2025 Fair Share Plan describes the ways Wanaque shall address its fair share for low- and moderate-income housing as determined by the State of New Jersey Department of Community Affairs and documented in the Housing Element.
- C. This article implements and incorporates the Fair Share Plan and addresses the requirements of N.J.A.C. 5:97, as may be amended and supplemented. The implementation of this Housing Element and FSP will require all future site plan applications for residential development having greater than four units provide for a twenty percent (20%) affordable housing component consistent

WHEREAS, the Governing Body desires to endorse the Fourth Round HESFP adopted by the Planning Board on June 19, 2025.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Wanaque, Passaic County as follows:

1. The Governing Body does hereby endorse the Fourth Round HEFSP adopted by the Borough of Wanaque Planning Board on June 19, 2025.
2. The Governing Body does hereby authorize the filing of this Resolution endorsing the Fourth Round HEFSP adopted by the Board on eCourts for review by the Program.
3. The Mayor and Clerk, together with other appropriate officers and employees of the Borough of Wanaque, are hereby authorized to take all steps necessary to effectuate the purposes of this Resolution.
4. This Resolution shall take effect immediately.

I hereby certify that this resolution, consisting of two pages, was adopted at a meeting of the Borough Council of the Borough of Wanaque on this 14th day of July, 2025.

Dated: July 14, 2025



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RECORD OF COUNCIL VOTE

Councilman	Motion	Second	Yes	No	Abstain	Absent		Councilman	Motion	Second	Yes	No	Abstain	Absent
Balunis			X					Leonard		X	X			
Cortellessa	X		X					Pasquariello						X
Kronyak	X		X					Pettet			X			

ATTEST:

Leena Abaza
 Leena Abaza, RMC, CMC, CMR
 Municipal Clerk

Daniel Mahler
 Daniel Mahler
 Mayor

This resolution, when adopted, must remain in the possession of the Municipal Clerk. Certified copies are available.