

RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF
WALDWICK
APPROVING AND ADOPTING A HOUSING ELEMENT AND FAIR
SHARE PLAN TO SATISFY THE BOROUGH'S FOURTH ROUND
AFFORDABLE HOUSING OBLIGATION

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, 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 Waldwick ("Borough") adopted a Resolution January 28, 2025, committing to a present need obligation as 10 units and prospective need obligation as 147 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 BOROUGH OF WALDWICK, a Municipal

Corporation of the State of New Jersey, Docket No. BER-L-700-25 on January 29, 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, the Borough received an objection to its Present and Prospective Need numbers from the New Jersey Builders Association prior to the February 28, 2025 deadline; and

WHEREAS, the Borough ultimately appeared at a settlement conference on March 28, 2025 and in settlement negotiations between and amongst the parties, under the direction of the Court, secured a determination by the Court confirming a mediated obligation consisting of a Present Need obligation of 19 units and a Round 4 Prospective Need of 164 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’s Planners, Phillips, Preiss, Grygiel, Leheny, Keller, LLC, Planning & Real Estate Consultants, prepared a proposed HEFSP, entitled “Borough of Waldwick Master Plan Draft Housing Element and Fair Share Plan” dated May 2025 (the “Fourth Round HEFSP”); and

WHEREAS, pursuant to N.J.S.A. 40:55D-28, the Borough of Waldwick Planning Board (“Board”), may prepare and adopt or amend a master plan or component parts thereof, after a public hearing, to guide the use of lands within the municipality in a manner which protects health and safety and promotes the general welfare; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Board held a public hearing on the proposed Fourth Round HEFSP on June 23, 2025, during which the proposed Fourth Round HEFSP was presented to the Board and public, with testimony, by way of explanation and elucidation, by a principal of the Borough’s Planners and opportunity for comments and questions, by both the Board members and the public, was provided; and

WHEREAS, with the conclusion of the public hearing, the Board finds and hereby determines that the proposed Fourth Round HEFSP is consistent with the goals and objectives of the Master Plan of the Borough, will guide the use of lands in the municipality in a manner which protects public health and safety and promotes the general welfare in accordance with N.J.S.A. 40:55D-28, and is designed to achieve the goal of access to affordable housing to meet present and prospective housing needs in accordance with N.J.S.A. 52:27D-310; and

WHEREAS, by the adoption of this Resolution, the Board memorializes its adoption of the proposed Fourth Round HEFSP as the Housing Element and Fair Share Plan components of the Borough of Waldwick Master Plan, in accordance with N.J.S.A. 40:55D-28, the FHA and Directive #14-24.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Waldwick, County of Bergen, State of New Jersey, that the plan entitled “Borough of Waldwick Master Plan Draft Housing Element and Fair Share Plan,” (Fourth Round HEFSP) dated May 2025, prepared by Phillips, Preiss, Grygiel, Leheny, Keller, LLC, Planning & Real Estate Consultants, is hereby approved and adopted as the 2025 Housing Element and Fair Share Plan components of the Borough of Waldwick Master Plan.

BE IT FURTHER RESOLVED the Board Secretary is hereby authorized and directed to transmit a certified, electronic copy of the Fourth Round HEFSP and this resolution to the Borough’s Mayor and Council, as well as to the borough attorney for further disposition.

BE IT FURTHER RESOLVED the Board Secretary is hereby authorized and directed to provide a copy of the adopted Fourth Round HEFSP and a certified copy of this Resolution to the Bergen County Planning Board and New Jersey Office of Planning Advocacy, in accordance with the requirements of N.J.S.A. 40:55D-13.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.


ADELE BADALAMENTI, CHAIR
WALDWICK PLANNING BOARD

DATED: June 23, 2025