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Community Planning
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2008 MASTER PLAN REEXAMINATION REPORT

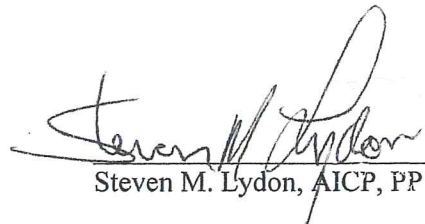
**BOROUGH OF OAKLAND
BERGEN COUNTY, NEW JERSEY**

**PREPARED FOR BOROUGH OF OAKLAND PLANNING BOARD
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The original document was appropriately signed and sealed on February 14, 2008 in accordance with Chapter 41 of Title 13 of the State Board of Professional Planners.

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INTRODUCTION

Overview

The 2008 Borough of Oakland Master Plan Reexamination Report is part of the Borough's continuing comprehensive planning effort that has been undertaken by the Borough over the past twenty years. The planning board has adopted a number of master plan reports and documents since the adoption of the Borough's initial 1988 comprehensive master plan. During the course of these intervening years the Borough has engaged in a continuing planning process that has been the subject of periodic review, refinement and reexamination.

The Borough planning board adopted its most recent reexamination report in 2000. Prior to the reexamination report adopted in 2000, the planning board had adopted an earlier reexamination report in July 1994. Included with the 1994 reexamination report but as a distinct document was a Land Use Element. The 1994 Land Use Element is the most recent one adopted by the board. Each of these earlier reports and amendments was designed to guide the future development of the community in a manner consistent with sound planning criteria and the applicable statutory requirements.

In addition to the 1994 periodic reexamination report and Land Use Element, the board also adopted a Housing Element. The 1994 Housing Element represented the Borough's response to the Supreme Court's Mount Laurel decisions that every community in New Jersey has a constitutional obligation to provide a realistic opportunity to create housing affordable to lower income households. The Housing Plan was prepared consistent with the Council on Affordable Housing (COAH or Council) regulations as then applicable. COAH is the state agency created as a result of the Fair Housing Act of 1985 which was the Legislature's response to the Supreme Court's affordable housing decisions.

The Borough's most recent housing plan adopted early in 2006 supplements and replaces the 1994 housing plan and addresses the Borough's cumulative 1987-2014 affordable housing obligation. This housing plan has been endorsed by the governing body. The governing body has petitioned the Council for substantive certification.

Additional significant planning documents adopted by the planning board include a 1990 Wastewater Management Plan. This plan, in conjunction with the 1994 Water Management Plan, attempt to systematically address the physical restrictions and infrastructure limitations operating in and upon the Borough and the manner in which both existing and proposed development is affected. It is acknowledged that the Borough has begun the preliminary work necessary to prepare a new waste water management plan.

More recently the Borough has adopted a 2006 Open Space Plan. This plan inventories and describes the natural features and recreational resources of the Borough and makes recommendations to enhance and maintain these important community attributes. This plan is very important since as a result of its adoption along with the Open Space and Recreation Tax referendum previously approved by the Borough's voters the Borough is now eligible to receive additional county and state funding to acquire and improve open space and recreation areas within the Borough.

2006 was also the year the Borough planning board adopted a plan to revitalize the community's Central Business District along the Ramapo Valley Road corridor. The Borough recognized the necessity to establish a strong vision for the business district within the community in order to steer the local and regional economic growth of the Borough while establishing a downtown that is welcoming to pedestrians. The adopted plan is intended to encourage future business investment in the community by improving both the functional and aesthetic characteristics of the district. This Central Business District Plan was adopted as a specific component to the Land Use Element of the Boroughs' master plan.

As presented herein, the 2007 reexamination report constitutes the official guide for future growth and development in the Borough until such time as an up-to-date comprehensive master plan is drafted and adopted in accordance with the procedures established in the Municipal Land Use Law (MLUL). It is to be utilized by the planning board, governing body, zoning board of adjustment and the citizens of Oakland in making land use planning and policy decisions that will enhance the character of the community.

This master plan reexamination report represents the culmination of the planning board's review of the Borough master plan and subsequent reexamination report. It provides the obligatory background data required by statute and also offers the basis for future master plan goals, objectives, and land use policies which will be part of a forthcoming comprehensive land use element. The document is comprised of three principal sections, including the following:

1. The first section addresses the community's planning and zoning issues within the framework of the statutory requirements of the New Jersey Municipal Land Use Law and its master plan reexamination provisions. The MLUL requires municipalities to periodically reexamine their master plan and development regulations. The statute mandates that the report must include, at a minimum, five key elements, which identify:
 - a. The major problems and objectives relating to land development in the municipality at the time of the adoption of the last reexamination report;
 - b. The extent to which such problems and objectives have been reduced or have increased subsequent to such date;
 - c. The extent to which there have been significant changes in the assumptions, policies and objectives forming the basis for the master plan or development regulations as last revised, with particular regard to the density and distribution of population and land use, housing conditions, circulation, conservation of natural features, energy conservation, collection, disposition and recycling of designated recyclable materials, and changes in State, County and municipal policies and objectives;
 - d. The specific changes recommended for the master plan or development regulations, if any, including underlying objectives, policies and standards, or whether a new plan or regulation should be prepared;
 - e. The recommendations of the planning board concerning the incorporation of redevelopment plans adopted pursuant to the "Local Redevelopment and Housing Law", into the land use plan element of the municipal master plan, and recommended changes, if any, in the local development regulations necessary to effectuate the redevelopment plans of the municipality.
2. The second section identifies the manner in which these problems and objectives have been addressed. It identifies significant changes in state and local governmental policies that influence the Borough's land use policies, and the extent of change which has taken place in the community.
3. The final section sets forth specific recommendations pertaining to the various planning and zoning issues which are identified herein.

The Legal Requirement for Planning

The Municipal Land Use Law establishes the legal requirement and criteria for the preparation of a master plan and reexamination report. The planning board is responsible for the preparation of these documents, which may be adopted or amended by the board at the conclusion of a public hearing. The board is required to prepare a review of the master plan at least once every six years.

The MLUL identifies the required contents of a master plan and the report which re-examines a master plan. The reexamination provisions are set forth above. The statute requires that a master plan include a statement of goals, objectives, and policies upon which the proposals for the physical, economic and social development of the municipality are based. The plan must include a land use element which takes into account physical features, identify the existing and proposed location, extent and intensity of development for residential and non-residential purposes, and state the relationship of the plan to any proposed zone plan and zoning ordinance. The MLUL also requires municipalities to prepare both a housing plan and recycling plan, and additionally identifies a number of other optional plan elements such as circulation, recreation, community facilities, historic preservation and similar elements, which may be incorporated into a comprehensive master plan document.

Adoption of the required components of a master plan provides the community the legal basis to regulate development in the municipality. This is accomplished through the adoption of development ordinances such as a site plan ordinance, a subdivision ordinance, a tree preservation ordinance, the zoning ordinance and other ordinances which are designed to implement the master plan's recommendations.

The Major Problems and Objectives Relating To Land Development in the Borough of Oakland at the Time of the Adoption of the Last Master Plan/Reexamination Report

The MLUL initially requires a reexamination report to identify the major land use problems and planning objectives that were enumerated in the most recently adopted master plan/reexamination report. The following is noted with respect to Oakland's 2000 Periodic Reexamination Report of the Master Plan.

Major Problems Identified In The 2000 Periodic Reexamination Report.

The Oakland 2000 report identifies land use planning and development issues that the Borough faced at the time of the preparation of that document. The 2000 plan text identified and discussed a number of land use issues that were considered to represent the Borough's most significant planning concerns regarding the community's future development. These are summarized as follows:

1. Lack of land suitable for residential development and the lack of available infrastructure to accommodate areas zoned for additional housing.

Plan Response: The 2000 plan recognized that the Borough was a mostly developed community wherein the majority of larger parcels that were either underutilized or vacant were in that condition due to lack of community level infrastructure. The most recent plan indicates that this problem lies mostly with the lands zoned for multi-family residential development and that the problem had not been rectified. This was considered a significant land use problem since these properties had been identified in the Borough Housing Plan and, in at least one instance, was offered as a key element in the Borough's affordable housing settlement agreement.

2. Limited additional large scale office development as a result of the existing economic climate and lack of available infrastructure.

Plan Response: The most recently adopted plan indicates the Borough had rezoned new areas for large scale office development in the late 1980's. These re-zonings were created for a number of reasons such as the need to establish a more balanced land use pattern, create employment opportunities for Borough residents and as a means to generate additional property tax ratables. At the time of the 2000 plan there had been no additional large-scale office development in the Borough.

3. School age population declined 40% between 1980 and 1990.

Plan Response: The 2000 plan describes how between the years 1980 and 1990 the school age population in Oakland Borough declined by 1,393 students or 40%. There was a concern expressed that this decline could have serious impacts on the structure of the Borough' educational system.

The 2000 plan acknowledged that this decline stabilized and then started reversing on itself during the 1990's. By the school year 1999-2000 the student population was reported by the Oakland School Board to be 2,251, the highest level in a decade.

4. The Colony, Pleasureland and Tanglewood neighborhoods consist of older converted summer residences located in the Ramapo River floodplain and are in need of renovation.

Plan Response: The 1994 reexamination report indicated that the three-above mentioned residential neighborhoods contained significant numbers of homes that were in a substandard condition and required rehabilitation. The plan also noted properties in these neighborhoods suffer from

substandard road widths and septic failures. The 1994 reexamination report indicated that attempts to secure funding to finance renovation efforts had been made to the New Jersey Neighborhood Preservation Program. Unfortunately these efforts were not successful. However, the 1994 reexamination report also discussed that the Army Corps of Engineers was planning on channelizing a portion of the Ramapo River as it flows through Oakland. This effort was anticipated to reduce the magnitude and severity of flooding episodes in these residential communities.

5. Low lying areas along the Ramapo River are subject to periodic flooding.

Plan Response: This has been a long standing issue facing the community. Periodically the Ramapo River floods with significant negative impacts on the Borough and its residents. The 1994 reexamination report reveals how this problem was being addressed in both a structural and non-structural manner. As relates to a non-structural approach to flood control the report described how the Borough was actively seeking to acquire linear park land along the Ramapo River for preservation and conservation purposes. This non-structural approach not only insures that preserved property along the river will always remain undeveloped; it also reduces the potential that new development might place additional residents physically at risk of being adversely affected by flood episodes.

A structural control to flood problems attempts to control and limit where flood waters might travel. This can be achieved through river channelization and the construction of dams, levees, river widenings and other construction activities.

6. The completion of Interstate 287 through the Borough has placed additional congestion pressures on the Borough's circulation system.

Plan Response: The 1994 reexamination report recommended an improved circulation pattern throughout the Borough. The 2000 reexamination report noted that in the intervening years a comprehensive central business district circulation plan has been prepared by was still under review and consequently had not been implemented.

7. Need to Prepare a Comprehensive Central Business District Plan. The seventh and eighth problems identified by the 2000 reexamination report were ones that had developed since the time of the preparation of the 1994 reexamination report.

Plan Response: A comprehensive central business plan has been drafted and the subject of public presentation with stake holders in attendance and a public hearing. This plan was adopted by the planning board in 2006. This plan will seek to accomplish multiple goals such as improving downtown circulation, revitalize existing structures, establishing a unified design theme for the downtown district and other identified objectives.

8. Need for an updated Housing Element to be submitted to the Council on Affordable Housing (COAH) prior to June 6, 2000.

Plan Response: The 2000 reexamination report included an updated Housing Element and Fair Share Plan. This plan, although it formed the basis for a petition to COAH seeking substantive certification objections to the plan were filed and Oakland did not receive substantive certification for its second round housing plan from COAH. The fact that an earlier plan was not granted substantive certification does not reduce the validity of the objective or the Borough's constitutional obligation to create a realistic opportunity to produce new housing affordable to lower income households.

Land Use Plan Goals.

The 2000 reexamination report lists thirteen major objectives found within the 1994 master plan reexamination report. These objectives formed the basis for land use recommendations. These objectives are listed below in the same order as found in the 2000 reexamination report:

1. To preserve the existing residential character of the Borough while permitting and encouraging the development of a variety of housing types for households of all ages and socioeconomic stations, including the provision of present and prospective need of low and moderate income households as mandated by the New Jersey Council on Affordable Housing.
2. To preserve environmentally sensitive areas within the Borough by discouraging development of steep sloped areas, floodplain areas and wetland areas by encouraging landform preservation through the use of special zoning provisions included within the Borough's development regulations.
3. To encourage the dedication of environmentally sensitive areas, namely those lands adjacent to the Ramapo River and the mountains, for open space in order to preserve them in their current condition for future generations.
4. To encourage growth that will minimize impacts on water quality through the development of an approved 208 Water Quality Management Plan which will provide the basis upon which future sewer service, to those areas lacking such service, can be provided.
5. To provide for economic development that will result in a fully diverse economic base by encouraging commercial and high quality office/research development patterns which will optimize the cost/benefit and cost/revenue impacts to the Borough while recognizing the need to encourage this development in strategic areas along the existing and proposed highway system of Interstate 287 and New Jersey Route 208.
6. To identify historic sites existing within the Borough and to provide a plan for the preservation of those sites.
7. To identify the active and passive recreational areas within the Borough and to determine needed improvements and/or necessary expansion for the present and future needs of the Borough.
8. To analyze, develop and maintain a safe and adequate supply of potable water and a transmission system, which will adequately supply the present and future needs of the Borough. In addition, the utility service plan should include a stormwater management plan and ordinance.
9. To develop an efficient, cost effective recycling program that at a minimum meets the state requirements.
10. To develop a master plan that is consistent with the proposed New Jersey State Master Plan.
11. To identify key capital improvements consistent with the State Master Plan with an eye toward future funding of a park and ride facility and waste water quality facilities and other municipal facilities.

12. To design a reasonable development plan for the remaining vacant land that considers capacity for development and physical characteristics of the land.
13. To provide for the Borough's affordable housing obligation as mandated by the Council on Affordable Housing.

Major Land Use Issues Currently Facing the Municipality

It is appropriate for the planning board to not only review the major problems that were affecting the municipality at the time of the earlier reexamination report, but to also consider current planning issues facing the community today. The following represents a list of the most significant planning concerns that require attention and action by the Borough on behalf of its residents. Subsequent sections of this report will offer specific recommendations with respect to the manner in which these issues are addressed.

1. Extension of appropriate levels of community infrastructure in a cost effective and environmentally sensitive manner. Most dwellings in the Borough are connected to the Borough's potable water supply system. Unfortunately this system needs substantial improvements including transmission improvements as well as capacity enhancements. Since a community's potable water supply is an essential utility affecting the carrying capacity of the land, the board should examine the realistic capacity of the potable water supply and distribution system to insure that additional development does not overwhelm the ability of the Borough to meet demand both for normal consumption as well as emergency situations. This examination should explore both a short term planning horizon as well as a longer term time horizon.

Most development in the Borough, regardless of whether it is residential or non-residential, is not connected to a central sanitary wastewater system. Instead the overwhelming majority of development in the Borough relies on individual on-site septic systems. Some residential areas of the Borough have experienced a significant number of septic failures. Repairing or replacing residential septic systems is an expensive undertaking. This lack of a sanitary sewer system has been one of the primary impediments to the delivery of affordable housing solutions. It has also impeded revitalization of the central business district.

2. Revitalization of the Borough's central business district. Ramapo Valley Road, a road under the County's jurisdiction, functions as the Borough's "main street". It accommodates local traffic movements as residents circulate throughout the Borough. This road also functions as an important north/south corridor carrying a large number of regional vehicular movements. Specifically it facilitates traffic to and from the entrances and exits from I-287 and State Highway 208, important regional arterial roadways. The manner in which the corridor's development and redevelopment potential is realized is critical to the community's economic health and long-range view of itself and the Borough's ability to position itself in the marketplace as an attractive, desirable place to reside and do business.

It is both necessary and desirable for the planning board to establish a specific land use and design policy for the corridor, and to provide associated policy statements that identify the growth and design characteristics that the Borough seeks to encourage and implement for the roadway as well as the properties in the vicinity of the roadway. These policy statements should include proclamations concerning the appropriate land uses that will be encouraged to locate in the district, including the potential desirability and introduction of housing, including affordable housing options and "pedestrianism" into the central business district. Put another way, what functions should this

corridor perform, what should this corridor look like, and how will it relate to other components of the Borough in 15 to 20 years? Once those questions have been satisfactorily answered, the next question is one of implementation, how does the Borough achieve and implement the desired outcomes?

3. Traffic/Circulation Issues. Traffic in the Borough of Oakland can be viewed from many perspectives. One perspective in examining the issue is to look at regional traffic and transportation issues separately from local transportation issues. Often local traffic issues deal with specific intersection problems or stretches of road or inappropriate levels of traffic on streets which function primarily to provide access to residential dwellings due to drivers cutting through neighborhoods to save time, avoid a congestion point or traffic signal. Other local traffic issues need to deal with speed of vehicles and lack of alternates to motorized vehicles, such as walking and bicycling.

Regional traffic issues implicate traffic within the Borough of Oakland as neither its origin nor destination, such as commuters traveling through the Borough to get to or from Passaic County. Regional traffic has a greater percentage of trucks in its mix. This traffic tends to impact the roadway system during the commute periods when traffic congestion is at its worst. The trucking aspect can also have negative ramifications upon quality of life issues with early and late deliveries, noise and idling truck engines all being issues of concern.

Regional traffic patterns and volumes most likely would be affected if passenger service is reinstated on the railroad and a commuter rail station with parking is constructed in the Borough. The decision to reinstitute passenger rail service will be made by others but since discussions have involved the potential construction of a passenger rail station in the Borough adjacent to the central business district this master plan reexamination report should recognize the discussion and respond accordingly.

4. Consistency between the Borough's land use goals and objectives and those of other levels of government. This desired consistency is an especially important goal to achieve with reference to the State Development and Redevelopment Plan (SDRP) and the Highlands Council Master Plan scheduled for release at the end of 2007. As a component of the third round housing cycle COAH has imposed a requirement on all municipalities to achieve initial plan endorsement by the State Planning Commission within three years after the grant of substantive certification.

In addition to seeking consistency with the SRDP, the Highlands Water Protection and Planning Act requires those communities within the designated Preservation Area of the Highlands area to submit both a revised master plan and revised development regulations that conform to the goals, requirements, and provisions of the Highlands Council adopted regional master plan. Since a significant percent of the Borough has been designated as being within the Preservation Area of the Highlands this provision will apply to Oakland upon adoption of the Regional Master Plan by the Highlands Council. This requirement has the potential to affect the bypass access road over the South Ridge which is depicted as a proposed road in the existing Circulation Element.

Further, New Jersey adopted and implemented regulations known as the Residential Site Improvement Standards (RSIS). These regulations which are uniform and mandatory throughout the state supersede local zoning and design codes whenever the Borough's reviewing bodies review developments containing residential components. To date the Borough zoning ordinance has not been brought into compliance with these mandatory standards. The reexamination report should address this issue and contain a recommendation that the Borough development regulations be made consistent with the regulations contained within the RSIS.

5. Consistency between the Borough's land use objectives as defined and described in various Borough planning documents and the Borough's development regulations. A community's development regulations must be either substantial consistent with the goals, objectives and policies of the land use element and housing element of the master plan or designed to effectuate same. The only permitted exception to this requirement is if the governing body has provided its reasoning (in the form of a resolution adopted at the time of enactment) which details the basis for not achieving consistency. Master plan elements, especially the open space and recreation plan, central business district plan and housing elements have made certain recommendations that have not been reflected in the zoning code of the Borough. In addition, as mentioned above there will be additional impetus and pressure on the Borough to amend its planning documents to comply with state imposed requirements.

At the current time the Borough's planning documents are not completely consistent with one another. The Borough planning board should utilize this opportunity to make specific recommendations and modifications to the land use element in order that the land use element of the master plan is consistent and compatible with the housing element, open space and recreation element, central business district plan and each specific plan that has been adopted by the planning board.

The zoning ordinance should be examined and revised as necessary to achieve consistency with the various recommendations and policy statements contained within the master plan and its various elements, especially the housing plan and land use plan.

6. Need to establish a fully diverse and sustainable economic base. The community has since at least the late 1980's sought to spur the construction of large scale office development in selected locations within the Borough. Due to a number of reasons such as varying economic conditions, lack of necessary infrastructure (water, sewer and transportation), competition from other communities and market issues this goal of establishing large scale office development has generally remained unfulfilled. The goal of creating a fully diverse and sustainable economic base retains its validity. The need is to comprehend the complex dynamics of what a fully diverse and sustainable local economy requires and then insuring the Borough has the necessary foundation in place in order to attract and support such an economy.
7. Need to amend and adjust as appropriate standards within the Borough's development regulations. The Board of Adjustment has written the Mayor and planning board expressing frustration with certain portions of the ordinance, such as the amendment regulating development and disturbance to steep slopes. The zoning board's efforts to implement the steep slope ordinance and regulate and limit disturbance to this sensitive environmental feature of the landscape have not been ratified by the judiciary when challenged by applicants unsatisfied with the decision reached by the Board of Adjustment.

The Borough is concerned about the construction and additions to existing homes and the construction of new homes since they often appear to be out of scale with the fabric of the surrounding neighborhood. The Board of Adjustment in its recent letter to the Mayor has offered guidance based on its experience in applying the zoning ordinance. Suggestions include requiring variance relief when homeowners seek to vertically expand a dwelling that already encroaches into a required setback area, limitation in residential zones on impervious coverage, and imposition of floor area ratio restrictions in single-family zones. Additional approaches to insuring the compatibility of new development with the existing parameters of development include building setback and building coverage limitations.

The Board of Adjustment has also suggested the time may be ripe to establish architectural standards

in the central business zone for new construction. There are many avenues to explore in implementing such a suggestion ranging from the creation of specific regulations embodied into the zoning regulations, the establishment of an architectural review board, or the more flexible approach of preparing a design manual without requiring that applicants strictly adhere to the principles contained therein.

Several years have passed since the Borough adopted a zoning amendment regulating the placement, construction and use of wireless communication towers, equipment and facilities. The Borough ordinance establishes a priority system which attempts to direct these type uses to Borough owned property. There have been a number of recent court decisions which suggest when these ordinances favor one property owner (the Borough) over another then these ordinances are zoning by ownership and not to further valid comprehensive planning goals of the municipality. Typically the courts have stricken these ordinances. This reexamination report should address this issue as it might affect the Borough.

8. Need to Review Zoning Designations of Selected Properties. The Oakland Planning Board last adopted a Land Use Element in 1994. As this is written a significant period of time has elapsed. Factors affecting land development have evolved and ones that did not exist in 1994 have come into existence.

With this brief background in mind the planning board recognizes the need and desirability of reviewing the current zoning regulations affecting selected properties in order to offer recommendations to the Mayor and Council on the continued appropriateness of certain zone districts. Later sections of this Reexamination Report will provide further details but locations where the current zoning designation should be investigated include many parcels including but not limited to a large parcel along the Ramapo River at the end of Spruce Street, the Natural Heritage Priority Site located south of Post Road, and a large tract located along Ramapo Valley Road which has a House of Worship on a portion of the property.

9. Need to encourage "green building" practices in both residential and non-residential construction. Research has demonstrated that within the United States buildings account for nearly 40% of energy use, 30% of greenhouse gas emissions, 30% of raw material consumption and 30% of waste output. With the magnitude of these numbers it is apparent that buildings impact the health and sustainability of the biosphere.

The U.S. Green Building Council (USGBC) works to reduce the impact and improve the performance of buildings. To quantify the impact of different building materials and techniques the USGBC has devised the Leadership in Energy and Environmental Design (LEED).

The benefits of constructing buildings utilizing LEED principals and techniques can be organized into several categories. Environmental benefits include improved air and water quality, reduction in solid waste, conservation of natural resources and protection of biodiversity. Economic benefits include reduced operating costs, enhanced asset value and improved employee productivity. Community benefits include improved air quality, reduced strain on wastewater and water systems and contribution to the overall quality of life.

Understanding and recognizing these benefits the Borough of Oakland and its land use boards should strive to encourage the widespread use of green building technology and practices in both residential and non-residential construction projects.

10. Need to incorporate sustainable design principles within the Borough's planning culture. The principles of sustainable design need to infuse the Borough's thinking and become central in the

decision making process as the community responds to future development and redevelopment pressure. So-called "smart growth" principles can influence where and how public infrastructure investment is made. Smart growth means using comprehensive planning to guide, design develop and redevelop communities. Smart Growth development patterns offer the promise of continued vitality within the Borough's commercial core, decreased congestion and sprawl and reduced infrastructure expenses. The benefits of smart growth include efficient land use and the protection of natural resources. Long term costs savings are potentially available to both the private and public sector.

Extent to Which Problems and Objectives Have Been Reduced Or Have Increased Subsequent To the Last Master Plan

Pursuant to the MLUL, this section of the Reexamination Report examines the extent to which problems and objectives have been addressed. A number of the Borough's goals and objectives as well as the planning challenges highlighted in the 2000 reexamination document have been satisfactorily addressed while others remain relatively static. The static nature of some of these problems and planning objectives is a function of the type of long range planning concerns that they represent, the general nature of most of these problems and objectives, and the extent and type of development that Oakland has experienced. The general planning concerns regarding the impact of traffic on the community, land use compatibility and protection of the desirable residential neighborhoods comprising the Borough all represent long-term issues that focus on the inherent character of the community, and consequently necessitate continual assessment and reassessment on the part of the Borough. It is noteworthy that some of these issues have been partially addressed, while others continue to remain a critical concern.

Extent to Which Problems Have Been Addressed

1. Lack of Available Infrastructure. The solutions for this problem have proven most elusive. The Borough has explored and examined several different approaches of providing sanitary sewer service to the proposed multi-family sites, areas of the Borough experiencing widespread septic failures and the central business district. To date these efforts have not achieved the goal of providing cost effective sanitary sewer service to these various portions of the Borough. Since the avenues of approach attempted in the past have not proven successful, it might be beneficial if the Borough examined this issue in a new light. With this objective in mind it should be noted the Borough is currently at work on preparing a new wastewater management plan.

In addition, the long desired improvements to the water system have not materialized to date. The need to enhance the water supply and make improvements to the water distribution system is still with the Borough. As development pressure increases in the Borough the need for a safe reliable water delivery system only increases.

On the traffic and transportation front the Borough continues to be an active participant with the County on fostering improvements to several strategic locations in the Borough. It is also noted that at this time passenger service has not been resumed on the railroad.

2. Lack of Large Scale Office Development. There has been little change in the status of this problem since the adoption of the most recent reexamination report. In some regards the lack of meaningful office construction may implicate forces outside the control of the Borough.
3. School-Age Population Decline. This issue addressed in prior planning documents seems to have corrected itself. A review of relevant Census Bureau data will demonstrate how. In 1970 the Census Bureau counted 6,633 Oakland residents aged 19 and younger. By 1980 this same population had declined to just 4,554 people. At the time of the 1990 Census just 3,067 Oakland residents in this age group were counted. By the 2000 Census 3,377 residents in this age group were counted. Thus this population group increased in size by 10.1% in the period between counts.

This increase in school age population figures is reflected in the actual enrollment figures supplied by Oakland Public Schools. In September of 1999, in district enrollment for the grades kindergarten through eight was 1,473 students. An additional 12 were educated in out of district placements. By September 2004, the figures had increased to 1,699 students enrolled in the district and an additional 15 in out of district placements.

4. Condition of Selected Residential Neighborhoods Periodically Affected by Flooding. This is an on-going problem affecting housing rehabilitation and septic concerns as well as flooding issues. The Borough has sought to address certain rehabilitation concerns by seeking state funding for neighborhood preservation. As to the concern over flooding the Borough has approached this on-going problem both from a structural as well as a non-structural approach. As to the issue of faulty septic, the Borough's desire to extend wastewater treatment service to these areas has not occurred to date.
5. Low Lying Areas Adjacent to the Ramapo River are Subject to Periodic Flooding. The Borough has continued to seek assistance from both the Army Corps of Engineers as well as the state to control and manage the flooding episodes in town. Some progress, such as the channelization of the river has been made since time of the most recent reexamination report.
6. Completion of Route 287 has Burdened Borough Roads with Additional Congestion. The level of traffic congestion has increased with the passage of time. The Borough has worked with the County to design and then implement traffic improvements which will maintain the small town character of the Borough while simultaneously more efficiently move traffic through the Borough. The opportunity to offer residents and visitors an alternative to passenger automobiles in order to achieve mobility must continue to be explored.
7. Need for an updated Housing Element. This has been satisfactorily resolved as the Borough has prepared a new housing plan and petitioned the Council on Affordable Housing for substantive certification of same. This third round housing plan is currently undergoing review by COAH.
8. Protection of Steeply Sloping Land Forms. The Borough has adopted an amendment to the zoning ordinance which limits the allowable disturbance to steep slopes. As the slope gradient becomes steeper the controls become more limiting. Based upon a recent report received from the Board of Adjustment it appears that this zoning amendment requires significant revision in order to accomplish the goals of the community while surviving judicial scrutiny.
9. Acquisition of Environmentally Sensitive Land Forms. Property along the Ramapo River and on Ramapo Mountain has been acquired by various levels of government thereby preserving for future generations their environmental sensitivity and reflecting the universal belief that these lands represent a significant environmental resource. Since acquisition has been achieved by different levels of government the cost of acquisition has been spread among a larger group of stakeholders.

Although much of the land situated along the Ramapo River and on Ramapo Mountain has been acquired, large significant open space parcels remain in private ownership in both sections of the community. The Borough should remain diligent in attempting to protect and preserve the Borough's resource base. The Borough may need to attempt more creative means to fashion preservation solutions in the future as the pool of money for land acquisition appears to be diminished.

10. 2006 Open Space and Recreation Element. The Borough has prepared an updated Open Space and Recreation Element to the master plan. This plan inventories recreational resources available to residents and develops a methodology for determining recommended enhancements.
11. 2006 Housing Element and Fair Share Plan. The Borough has endorsed the recently adopted Housing Element and Fair Share Plan and submitted same to COAH for review and approval.

12. 2006 Central Business District Plan. Recognizing that if the traditional commercial area of the community was to continue to be viable there was a need to improve and enhance the Borough's central business district along the Ramapo Valley Road corridor, the planning board has adopted a comprehensive plan to encourage a more pedestrian friendly district that includes housing and enhanced mobility options. The plan establishes a framework by which to improve both the physical and visual identify of the district in order to encourage future business investment in the community.

The Extent To Which There Have Been Significant Changes In The Assumption, Policies and Objectives Forming The Basis For The Master Plan Or Development Regulations As Last Revised, With Particular Regard To Specific Planning Issues And Government Policy.

The Municipal Land Use Law requires, as part of the overall reexamination analysis, an assessment of the changes that have taken place in the community since the adoption of the last master plan. There are a number of substantive changes at the state and local level which were not contemplated at the time of the preparation and adoption of the 2000 master plan reexamination report, which require the Borough's attention. Additionally, the Borough has experienced significant changes resulting from growth and development that are noteworthy.

A. **Changes at the State Level**

State Development and Redevelopment Plan (SDRP). On March 1, 2001, the State of New Jersey adopted an updated SDRP. The SDRP's main objective is to guide future development and redevelopment to ensure the most efficient use of existing infrastructure systems, and to maintain the capacities of infrastructure, environmental and natural resources, fiscal, economic and other systems. To this end, the SDRP divides the State into five different categories of "Centers," which are compact forms of development, and four different types of planning areas that are regional in scale. The SDRP has adopted a set of policy objectives to guide local planning in each planning area. These policy objectives are designed to implement the statewide goals and objectives of the SDRP in the context of the unique qualities and conditions in each of the planning areas.

The Borough is located in the Metropolitan Planning Area (PA-1), which encompasses large urban centers and developed suburban areas. These areas are fully developed with significant investment in existing, but aging, infrastructure systems. There is little vacant land available for development and, as such, much of the development activity is infill development or redevelopment. The SDRP states that public and private investment in PA-1 should be the "principal priority" of state, regional and local planning agencies, with the intent being to direct development and redevelopment into these portions of the State. Within this framework, the recommended policy objectives for PA-1 are summarized to include the following:

- Land Use: Guide new development and redevelopment in PA-1 in a manner which ensures an efficient use of remaining vacant parcels and existing infrastructure.
- Housing: Preserve the existing housing stock through a program of maintenance and rehabilitation. Provide a variety of housing choices through new development and redevelopment.
- Economic Development: Promote economic development by encouraging redevelopment, infill development, public-private partnerships, and infrastructure improvements.
- Transportation: Encourage the use of public transit and alternative modes of transportation.
- Natural Resource Conservation: Reclaim environmentally damaged sites and mitigate impacts on remaining environmental and natural resources, including wildlife habitats. Special emphasis should be on air quality, preservation of historic sites, the provision of open space and recreation.
- Recreation: Maintain existing parks and open space as well as expand recreational opportunities through redevelopment and additional land dedications.
- Historic Preservation: Integrate and reconcile historic preservation with new development and redevelopment efforts.

- Public Facilities and Open Space: Complete, repair or replace existing infrastructure systems to encourage appropriate future development and redevelopment in locations and at densities which complement and support remaining master plan goals and objectives.
- Intergovernmental Coordination: Provide for regionalization and intergovernmental coordination of land use and development policies.

The Borough's Master Plan is consistent with the statewide goals and objectives of the SDRP and the policy objectives of the various planning areas.

The only two exceptions to the Planning Area 1 designation in Oakland are parklands which have their own unique designation in the state plan and those locations which have been identified as critical environmental features. Designated environmentally sensitive areas include the Natural Heritage Priority Site on Preakness Mountain, the Ramapo River corridor and privately owned parcels in the Ramapo Mountains.

Cross-Acceptance / SDRP. On April 28, 2004, the New Jersey State Planning Commission (SPC) approved the release of the Preliminary SDRP and the Preliminary State Plan Policy Map. This action launched the third round of Cross-Acceptance.

Cross-Acceptance is defined by the SPC as a bottom-up approach to planning, designed to encourage consistency between municipal, county, regional, and state plans to create a meaningful, up-to-date and viable State Plan (N.J.S.A. 52:18A-202.b.). This process is meant to ensure that all New Jersey residents and levels of government have the opportunity to participate and shape the goals, strategies and policies of the State Plan.

Through Cross-Acceptance, negotiating entities work with local governments and residents to compare their local master plans with the State Plan and to identify potential changes that could be made to achieve a greater level of consistency with statewide planning policy. Cross-acceptance concludes with written Statements of Agreements and Disagreements supported by each negotiating entity and the SPC. The State Planning Commission will incorporate the negotiated agreements into the Draft Final State Plan.

A significant aspect of the current Cross-Acceptance process, and what distinguishes it from prior rounds, is the State's intent to rely upon this process and the final adopted State Plan as the basis for determining funding allocations for a variety of programs, which is why it is important for the Borough to participate in this process.

Oakland might want to recommend changes to state plan mapping based on the recently adopted fair share housing plan, the Central Business District plan, the recently adopted Open Space plan or this master plan re-examination report. Making such a recommendation will enhance consistency between the various planning documents.

Highlands Water Protection and Planning Act

One of the primary results of the state planning process was the increased public awareness of the importance of the Highlands Region to the citizens of New Jersey. The state plan brought attention to the unique and fragile ecosystem that in addition to providing drinking water to a substantial percentage of the state's residents is also documented habitat for significant numbers of rare and endangered plant and animal species.

As a result of this renewed attention The Highlands Water Protection and Planning Act, N.J.S.A. 13:20-1 et seq. was adopted by the legislature and signed into law. This law is intended to protect the supply and quality of drinking water for over 5.4 million people while simultaneously assisting in preserving New Jersey's dwindling open space resources.

The following information concerning proposed and anticipated Highlands Council activity is included in this reexamination report since the impact to future growth and development, the location and ability to extend water and sewer service, the ability to secure funding for capacity increases to the Borough's transportation infrastructure may all be dramatically altered and restricted by activities of the Highlands Council.

In order to preserve the quality and quantity of the region's valuable resources, as well as the quality of life of the 880,000 people who live in the Highlands, the Highlands Water Protection and Planning Act, was signed into law on August 10, 2004. The Act establishes the Highlands Water Protection and Planning Council, a 15 member body, five of whom must be municipal officials from the Highlands Region and 3 of whom must be county officials from the Highlands Region. The Highlands Council is charged with carrying out the provisions of the Highlands Act, including the development of a regional master plan for the Highlands Region.

There are a number of rules that relate to or affect the Highlands Region. These include rules promulgated by various State agencies such as the Department of Environmental Protection, the Department of Agriculture, the Department of Community Affairs and the Department of Transportation. In addition to the rule making authority of the above state government departments the Highlands Council also has the authority to promulgate rules of its own. It is anticipated that upon adoption of the regional master plan the Council will propose and adopt rules under its own authority.

The Highlands Council also has the authority and responsibility to review certain development projects. This authority will also become effective upon adoption of the regional master plan.

Regional Master Plan

The Highlands Council is charged with the critical role of developing a Regional Master Plan ("RMP") in order to protect and enhance the significant values of the Highlands Region in accordance with the purposes of the Highlands Act. It is anticipated that drafts of the RMP may be circulated by the Highlands Council for public review and comment prior to the board taking final action on this reexamination report.

The Highlands Act prioritizes the development of the RMP by first requiring the preparation of a Resource Assessment to maintain the ecological values of the entire Highlands Region. The Act specifically emphasizes the protection of water resources for both potable supply and ecosystem viability and also includes goals relating to the protection of agricultural viability, ecosystems, rare and endangered species and communities, as well as scenic and historic resources. Based upon the Resource Assessment, the Highlands Council must then perform an analysis to determine the carrying capacity of the Highlands Region to accommodate appropriate growth and still sustain critical natural resources. Thus, the RMP is intended to provide the framework to secure both the protection of natural resources while supporting a sustainable economy.

In order to integrate the environmental, social and economic goals of the Highlands Act, the RMP is expected to provide a broader scope and be much more detailed than the state plan has been to date. The RMP will embody a regional vision for the Highlands. Implementation of the RMP is anticipated to involve all levels of government. Through conformance by municipalities and counties, financial and technical assistance by the Highlands Council, and State and Federal coordination, the RMP will provide a necessary framework for the protection and preservation of significant values of the New Jersey Highlands.

An additional distinction between the Highlands Council and the state plan has been the state plan's use of the word consistency. The language the Highlands Council uses is conformance. The intent behind the Highlands Council is much less policy driven than the state plan. The Highlands Council seems poised to

implement its vision through the use of land use controls and determinations concerning how and where infrastructure systems are provided.

As currently envisioned, the RMP will consist of three major elements, including a Policy Guidance Document that provides a statement of the goals, policies and strategies necessary to implement the Highlands Act, a series of Technical Reports that provide the basis supporting the policies and standards contained in the RMP, and an Implementation Framework which introduces the Land Use Capability Map and provides an overview of the process for plan conformance.

One might view the Land Use Capability Map as containing similarities to a zoning map. It is anticipated that the types of uses and permitted densities and intensities of development, at least within the Preservation Area of the Highlands will be regulated by the Land Use Capability Map. This will have impacts upon Oakland since portions of the Borough have been designated as being located within the Highlands Region Preservation Area.

Policy Guidance Document – The Policy Guidance Document will include an introduction to the goals, policies and strategies for the RMP. The document is expected to include a summary of each of the six basic components of the RMP enumerated in the Highlands Act, will establish the capacity limitations and thresholds for future development within the Highlands, and will outline the principles of the RMP and provide guidance on how to apply them at the local, State and regional level.

The intent of the Policy Guidance Document is to summarize results of recommended policies, technical analyses, implementation mechanisms and strategies. This document will focus on policy decisions necessary to implement the purpose and goals of the Highlands Act and will address the following components:

Resource Assessment: An analysis identifying and assessing the critical natural resources of the Highlands, focusing on water supply, natural resource protection and the threats to those resources and limits of sustainability;

Smart Growth: A review of ways to balance the resource protection needs, infrastructure constraints and opportunities for growth in the Highlands Region;

Transportation: An assessment of ways to promote a sound and balanced system consistent with both resource protection goals and Smart Growth principles;

Coordination and Consistency: A plan to promote local, county, regional and state program coordination to meet the goals of the Highlands Act;

Local Participation: A summary of the interaction with municipal and county officials, interested public citizens and members of the Technical Advisory Committee (TAC) Work Groups; and

Financial: An evaluation of the costs involved in implementing the Regional Master Plan.

Technical Reports – These documents will provide the technical basis supporting the policies and standards contained in the RMP. The Technical Reports will explain the science and other technical analyses supporting the RMP to ensure that the process of RMP development is transparent to all concerned. Technical documentation will include reports providing information regarding the following:

Water resource assessment and analysis of management strategies;

Ecosystem/biodiversity assessment and analysis of management strategies;

Water supply and wastewater treatment utility capacity analysis;

Regional development and design principles applicable to the Highlands;

Land preservation and stewardship strategies and recreational opportunities;

Transfer of development rights program structure and criteria;

Historic, cultural and scenic resource protection;

Sustainable agriculture and forestry practices;

Transportation strategies for providing a sound and balanced system; and

Financial analysis and cash flow timetable.

Implementation Framework – This document will include the tools necessary to implement the RMP at the municipal and county levels, including the Land Use Capability Map and other provisions that support implementation of resource protection, smart design and regional growth standards. The Implementation Framework will describe the opportunities and issues involved in implementing the policies and strategies of the RMP. This component of the RMP will explain the options and choices related to the incentives, restrictions, legal protections and regulatory requirements available to conforming municipalities and counties. Therefore, the Implementation Framework will include, among other provisions:

Land Use Capability Map identifying areas appropriate for preservation, growth and planned communities;

Plan Conformance Process to facilitate municipal and county conformance with the RMP;

Resource Protection Standards and best management practices necessary to protect critical Highlands resources;

Smart Design Standards to help implement resource protection and Smart Growth goals;

Regional Growth Standards to encourage appropriate development opportunities; and

Adjustment and Revision Provisions to allow municipalities or counties to submit new or additional information during plan conformance.

Highlands Implementation Mechanisms

On May 9, 2005 there was a Special Adoption of immediately effective rules to implement the enhanced environmental standards established in the Highlands Water Protection and Planning Act. The rules incorporate the requisite standards of various land use, water resource and environmental protection statutes and establish a consolidated Highlands permitting review and approval process for activities constituting major Highland development. After a consultation period with the Highlands Council, the State Planning Commission, and the Departments of Community Affairs, Transportation, and Agriculture, the Department proposed amendment to the rules, as provided under the Highlands Act and in accordance with the

Administrative Procedures Act. The rules were published in the December 19, 2005 issue of the New Jersey Register. These interim rules will remain in effect until the Department finalizes readoption.

The Highlands Act fragments the Highlands Region into two subsections, the Planning Area and the Preservation Area. As implied by the names, those area of the Highland Region incorporated into the Preservation Area are perceived to be more environmentally sensitive and thus demanding of a higher degree of scrutiny and regulation. Within Oakland generally speaking those areas west of the Ramapo River and south of Long Hill Road are located within the boundaries of the Preservation Area. The balance of the community is within the Planning Area.

Since Oakland is an identified Highlands Area community and a portion of the Borough is included within the Highlands Preservation Area the Borough and its land use policies will be affected by the actions of the Highlands Council. In fact, section 40:55D-28 of the MLUL has already been amended to require that the master plans of all municipalities within the Highlands Region shall include a specific policy statement indicating the relationship of the proposed development of the municipality as developed in the master plan, to the Highlands regional master plan as adopted by the Highlands Council.

Council on Affordable Housing (COAH). Oakland adopted an Affordable Housing Plan and petitioned COAH for substantive certification on June 5, 2000. This plan was intended to address the Borough's affordable housing obligation identified by COAH for the 1987-1999 housing need cycle. However, objections to the Borough's housing plan were filed with COAH. As a result of the objections, COAH withheld the issuance of substantive certification.

On November 22, 2004, COAH adopted its third round methodology and rules, which became effective December 20, 2005. The new methodology differs significantly from the methodology employed by COAH for the first two housing cycles. The new regulations required the Borough to undertake a new review of the housing element and fair share plan in 2005. Components of the new methodology include "growth share" and "rehabilitation share."

The growth share would determine the affordable housing unit obligation based on projected development, with affordable housing units allocated based on the number of market rate dwelling units built and the number of jobs created in the Borough based on the square footage of non-residential development. For every eight (8) new market rate housing units occupied, the Borough's affordable housing obligation increases by one (1) unit. Similarly, the Borough's affordable housing obligation increases by one (1) unit for every 25 jobs created by new development in the Borough. COAH has adopted formula which translates different types of non-residential construction to employment based on the amount of square feet constructed. Clearly the intent of COAH policy makers was to strengthen the linkage between economic growth and development and the provision of affordable housing. The third round includes the years 1999 through 2014.

Residential Site Improvement Standards (RSIS). RSIS went into effect on June 3, 1997. The adopted rules establish technical standards for streets and parking, water supply, sanitary sewers and stormwater management relating to residential development. The standards are the minimum requirements for site improvements that must be adhered to by all applicants for residential subdivision and site plans before planning boards and zoning boards of adjustment. They also represent the maximum that such boards can require of an applicant. These adopted standards supersede any local standards established for these systems.

Since 1997, there have been several amendments to the RSIS standards. The changes that most significantly affect planning issues and current developments in the Borough are listed below:

- The RSIS standards have been revised to acknowledge the impacts of two-family dwellings. Trip generation and parking requirements for two-family dwellings have been added to the RSIS. This

allows the Borough to quantify the impacts of proposed two-family dwellings.

- New regulations for access streets to multi-family development have been added. The RSIS standards now include regulations for cul-de-sacs and multi-family cul-de-sacs, which differentiate between the higher density developments and single-family neighborhoods.
- The RSIS standards have been recently revised as a result of the changes to the stormwater regulations as required by the New Jersey Department of Environmental Protection (NJDEP). These standards will require greater infiltration of stormwater, where feasible, and stormwater quality treatment through bioremediation techniques.

The Borough should continue to implement the adopted RSIS as required by the statute. It should also be noted that these standards govern residential development only. Borough requirements governing non-residential development are not affected by RSIS.

Stormwater management rules. Two sets of new stormwater rules were signed by the then Commissioner of DEP on January 6, 2004. Together the two sets of rules establish a comprehensive framework for addressing water quality impacts associated with existing and future stormwater discharges.

The first set of rules is the Phase II New Jersey Pollutant Discharge Elimination System Stormwater Regulation Program Rules (N.J.A.C. 7:14A). These Rules are intended to address and reduce pollutants associated with existing stormwater runoff. The Rules establish a regulatory program for existing stormwater discharges as required under the Federal Clean Water Act. These rules govern the issuance of permits to entities that own or operate small municipal separate storm sewer systems known as MS4s. Under this program permits must be secured by municipalities, certain public complexes such as universities and hospitals, and State, interstate and federal agencies that operate or maintain highways. The permit program establishes the Statewide Basic Requirements that must be implemented to reduce nonpoint source pollutant loads from these sources. The Statewide Basic Requirements include measures such as: the adoption of ordinances (litter control, pet waste, wildlife feeding, proper waste disposal, etc.); the development of a municipal stormwater management plan and implementing ordinance(s); requiring certain maintenance activities (such as street sweeping and catch basin cleaning); implementing solids and floatables control; locating discharge points and stenciling catch basins; and a public education component.

The second set of regulations is known as the Stormwater Management Rules, found at N.J.A.C. 7:9. These Rules set forth the required components of regional and municipal stormwater management plans, and establish the stormwater management design and performance standards for proposed development. The design and performance standards for new development include groundwater recharge, runoff quantity controls, runoff quality controls, and buffers along Category One watercourses.

The Stormwater Management Rules became effective on February 2, 2004. At that time, the design and performance standards of these rules become incorporated into the Residential Site Improvement Standards. For residential development, the design and performance standards established in these rules become immediately effective for local approvals through the Residential Site Improvement Standards. For non-residential development, these Rules will not be applied at the local level until a municipal ordinance is passed adopting these standards. However, if that non-residential development requires one of the Land Use Regulation Program permits listed at N.J.A.C. 7:8-1.6(c), the new rules will be applied under that review.

Specifically, for any project that is: 1) a "major development", 2) a residential site improvement and 3) not exempt from these rules, then the new requirements of the rules will be applied to all new development projects.

For any project that is 1) a "major development", 2) for a non-residential use and 3) does not require any NJDEP Land Use Regulation Program (LURP) permits or approvals, then the design and performance standards apply once a municipal ordinance is adopted that incorporates them or upon application for a NJDEP LURP permit, whichever comes first.

At this time the Borough's proposed stormwater management rules, as applied to non-residential rules are not yet effective. It is anticipated however that within a short time frame they will become effective and non-residential development proposals will need to comply with the regulations as discussed above.

It is important to recognize the newly implemented regulations have shifted to some degree the focus of storm water management. In the past the primary concern was to insure the peak rate of runoff after development was no higher than occurred prior to the development. Currently while the regulations continue to limit peak storm water discharge there is a much greater focus on the quality of the storm water exiting from a development.

B. Changes at the Local Level

1. **Population Size.** As seen in the table below, the Borough's population resumed growing again between 1990 and 2000, after declining in the decades between 1970 and 1990. The population of Oakland residents (12,466) recorded by the 2000 Census did not exceed the population levels recorded by the Census Bureau in the years of 1970 and 1980. The 2003 population estimate of 13,616, provided by the New Jersey Department of Labor, represents an estimated increase of 1,241 residents over 2000, which is still a smaller population pool than recorded in 1980.

Table 1
Rate of Population Growth, 1920-2000
Oakland, New Jersey

Year	Oakland Population	Population Change	Percent Change
1920	497	--	--
1930	735	238	47.9
1940	932	197	26.8
1950	1,817	885	95.0
1960	9,446	7,629	419.9
1970	14,420	4,974	52.7
1980	13,443	-977	-6.8
1990	11,997	-1,446	-10.8
2000	12,466	469	3.9
2004*	13,707	1,241	10.0

Source: NJ Department of Labor, U.S Bureau of the Census, 1900 & 2000

- NJ Department of Labor estimate

2. Births and Deaths Statistics. The number of births in a community is an important element in assessing future needs for community facilities and services, particularly with respect to school systems and recreational facilities. As shown in Table 2, the birth and death statistics indicate the Borough has experienced a natural net population increase over the past 10 years. Contrarily, the number of deaths has been gradually increasing, except for certain selected years when the number of deaths decreased compared to the previous year.

Table 2
Births and Deaths, 1990 - 2002
Oakland, New Jersey

Year	Births	Deaths	Difference
1990	147	85	62
1991	131	81	50
1992	145	83	62
1993	151	88	63
1994	150	77	73
1995	162	101	61
1996	158	91	67
1997	149	103	46
1998	165	100	65
1999	197	97	100
2000	193	98	95
2001	214	112	102
2002	165	102	63
Total	2,127	1,218	909

Source: State of New Jersey, Department of Health Center for Health Statistics

3. Age Characteristics.

The Borough's age characteristics are represented in the table below. As shown, there has been a significant decline in the population between the ages of 15 and 34 between 1990 and 2000. The percentage of the local population under the age of 14 was significantly higher in 2000 than in 1990. At the same time the percentage of the population between 65 and 85 was higher in 2000 compared to 1990. These figures suggest an increase in school age population for the elementary grades, fewer young adults and more senior citizens.

As the larger young population ages the need for age appropriate resources, such as a teen center may very grow as well as demands for more activities from the recreation department. The Borough may want to explore how existing Borough facilities can be adaptively renovated to meet additional activities and purposes.

Table 3
Age Characteristics: 1990 & 2000
Oakland, New Jersey

Age Group	1990		2000	
	Number	Percentage	Number	Percentage
Under 5	818	6.8	970	7.8
5-14	1,442	12.0	1,774	14.2
15-24	1,602	13.4	1076	8.6
25-34	1,808	15.1	1434	11.5
35-44	2,051	17.1	2414	19.4
45-54	1,687	14.1	1910	15.3
55-64	1,457	12.1	1304	10.5
65-74	649	5.4	912	7.3
75-84	286	2.4	479	3.8
85+	197	1.6	193	1.5
Total	11,997		12,466	

Source: U.S census 1990 & 2000

4. Income Characteristics. The comparison between 1990 and 2000 regarding household income is reported in Table 4. The median household income reflects a substantial increase from \$63,384 in 1990 to \$86,629 in 1999, a 36.67 percent increase. In Bergen County, the median household income was reported as \$49,249 in 1990 and \$65,241 in 1999. Thus not only do Oakland residents in general enjoy higher household income than county residents, the appreciation of household income over the ten year period was higher in Oakland than in Bergen County. Household income in Oakland is 30% higher than in Bergen County as a whole. In comparison, as recorded by the Census Bureau median household income for the state in 2000 was just \$55,146.

Table 4
Household Income, 1990 and 2000
Oakland, New Jersey

Income Category	1990		2000	
	Number	Percent	Number	Percent
Less than \$10,000	95	2.4	51	1.2
\$10,000 to \$14,999	98	2.5	25	0.6
\$15,000 to \$24,999	234	5.9	178	4.1
\$25,000 to \$34,999	285	7.2	204	4.8
\$35,000 to \$49,999	601	15.3	426	10.0
\$50,000 to \$74,999	1,108	28.2	796	18.7
\$75,000 to \$99,999	776	19.7	860	20.2
\$100,000 to \$149,999	553	14.1	1,025	24.0
\$150,000 or more	185	4.7	698	16.4
Total	3,935	100.0	4,263	100.0
Median Oakland Household	\$63,384		\$86,629	
Median Bergen County Household	\$49,249		\$65,241	

Source: U.S. Bureau of the Census, 1990 and 2000.

5. **Housing Characteristics.** As Tables 5 and 6 reflect, the number of dwelling units has been increasing since 1960. The total number of dwelling units counted in 2000 was 4,345 housing units, the highest number ever recorded in Oakland. The growth in the housing stock during the 1990's was significant, both in absolute terms as well as percentage of all housing. During the 1980's the housing stock increased by 1%. During the 1990's the housing stock witnessed an 8.1% increase.

Of the 4,345 housing units recorded by the Census in 2000, 4,255 housing units were occupied. According to the 1990 census, 3,907 of 4,019 dwelling units were occupied. As far as vacancy rates are concerned, 90 housing units are noted as vacant in the 2000 census and 112 vacant dwelling units were recorded in the 1990 census. Both vacancy rates consist of approximately 2 percent of the overall number of dwelling units. A 2% vacancy rate is indicative of a tight housing market. The proportion between occupant and vacant units is unchanged despite the increase in the total number of dwelling units.

Table 6 indicates that the vast majority of dwelling units in the Borough are owner occupied. The percentage of residents who own the dwelling they occupy remained nearly consistent during the 10 year period between 1990 and 2000.

Table 5
Dwelling Units: 1960-2000
Oakland, New Jersey

Year	Total Dwelling Units	Numerical Change	Percentage Change
1960	2,827	-	-
1970	3,877	1,050	37.1%
1980	3,979	102	2.6%
1990	4,019	40	1.0%
2000	4,345	326	8.1%

Source: 2003 Bergen County Data Book

Table 6
Year-Round Housing Units by Tenure
And Occupancy Status, 1990 and 2000
Oakland, New Jersey

Category	1990		2000	
	No. Units	Percent	No. Units	Percent
Owner-Occupied Units	3,586	89.2	3,967	91.3
Renter-Occupied Units	321	8.0	288	6.6
Vacant Units	112	2.8	90	2.1
Total Units	4,019	100.0	4,345	100.0

Source: U.S. Bureau of the Census, 1990 and 2000.

Table 7 outlines the type of housing counted in Oakland during the 2000 census. Residential structures in Oakland are largely single family detached homes as this type of housing stock represents 93 percent of the total dwelling units. The second largest component of dwelling units is single family attached dwelling, which consists of 3 percent of the total housing. Two unit housing, representing 1.7 percent of the total universe of residential dwellings, is the third largest component. Taken together these three (3) types of housing units account for over 98% of all housing in the Borough.

Table 7
Units in Structure, 2000
Oakland, New Jersey

Units in Structure	1990		2000	
	Number	Percent	Number	Percent
One Unit Detached	3,858	96.0	4,066	93.6
One Unit Attached	54	1.3	129	3.0
2 Units	60	1.5	73	1.7
3 to 4 Units	42	1.0	36	0.8
5 to 9 Units	5	0.2	41	0.9
10 or More	0	0.0	0	0.0
Other	0	0.0	0	0.0
Total	4,019	100.0	4,345	100.0

Source: U.S. Bureau of the Census, 2000.

6. Employment Characteristics. Table 8 presents the covered employment trends from 1990 to 1999 for employment within the Borough. The data indicate the number of jobs changes significantly over time. In 1990 6,131 jobs were reported. Employment then declined for three straight years. By 1996, employment was 980 jobs lower than in 1990. By 1999 employment levels rebounded to 6,425 for an increase of 294 jobs compared to 1990 and an even bigger increase of 1,274 positions since 1996.

Table 8
Private Sector Covered Employment, 1990-1999
Oakland, New Jersey

Year	Number of Jobs	% Change
1990	6,131	---
1991	5,820	-5.1
1992	5,781	-0.
1993	5,572	-3.6
1994	5,889	5.7
1995	5,770	-2.0
1996	5,151	-10.3
1997	5,472	6.2
1998	5,998	9.6
1999	6,425	7.1

Source: New Jersey Department of Labor.

7. Residential Development Activity. Substantial development activity has been recorded in Oakland. The Borough has experienced a varying amount of residential development when viewed on a year to year basis over the past ten years. The most significant amount of residential development occurred in the years between 1998 and 2000, when the Borough averaged net growth of 116 units per year. However, in subsequent years, the level of residential development has been significantly reduced, with an average of just 18 net housing units annually between the years 2001 and 2004.

Table 9
Historical Trends in Residential Development
Analysis of Certificates of Occupancy and Demolition Permits, 1995-2005
Oakland, New Jersey

	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005 YTD
Certificates of Occupancy Issued	n/a	7	38	99	140	113	45	9	4	23	13
Demolition Permits Issued	n/a	0	3	3	0	1	5	3	1	0	1
Net Growth	n/a	7	35	96	140	112	40	6	3	23	12

8. School Enrollment Characteristics. Table 10 presents the school enrollment trends from 1999 to 2004 for total number of students enrolled in the Oakland Public Schools. This data represents the number of students within the district and outside the district for the grades kindergarten through eight grade. The data reveals higher enrollment each year since 1999.

Table 10
School Enrollment History 1999-2004
(Grades K-8)
Oakland, New Jersey

Year	In district	Out of District	Total
1999	1473	12	1485
2000	1521	14	1535
2001	1589	17	1606
2002	1606	18	1624
2003	1641	13	1654
2004	1699	15	1714

Source: Superintendent, Board of Education, Oakland, NJ

9. Oakland Open Space and Recreation Plan. In order to respond to the growing need for additional recreational opportunities and the demand to preserve and maintain significant natural resource land-forms, the planning board prepared and adopted an Open Space and Recreation Plan in 2006. One of the advantages of this planning board action is that the Borough is now eligible to receive planning incentive grants for open space preservation from the state through a program administered through the Department of Environmental Protection. Being eligible to participate in this planning incentive grant program will also permit the Borough greater opportunities to capture private money to secure, preserve and maintain environmentally important parcels located within the Borough.
10. Housing Element and Fair Share Plan. New Jersey's Supreme Court has determined that every municipality in the state has a constitutional obligation to provide a realistic opportunity to supply housing to low and moderate income households. The Council on Affordable Housing (COAH) is the state agency charged with implementing how communities meet this constitutional obligation.

New Jersey has now entered into the third COAH housing cycle. COAH made significant rule changes to be effective with the third round housing cycle. This cycle methodology relies on growth share to determine the amount of affordable housing each community must produce. This cycle has also been lengthened and will continue to 2014.

The Borough of Oakland has prepared a housing plan to address the community's affordable housing obligation for each of the three COAH housing cycles. This new plan which is currently undergoing administrative review by COAH staff represents a significant departure from the approaches previously employed by the Borough.

11. Central Business District Improvement Plan. The Borough of Oakland is has prepared and adopted a plan as a framework to revitalize the community's Central Business District (CBD). Historically, the commercial core of the Borough established itself on both sides of the Ramapo Valley Road (State Route 202) corridor. The Borough recognized the necessity to establish a strong vision for the business district within the community in order to steer the local and regional economic growth of the Borough while establishing a downtown that fosters pedestrian activity. This plan is compiled to

provide a framework by which to improve the physical and visual identity associated with the business district and encourage future business investment in the community.

The study and plan employs several strategies to identify and assess the existing conditions of the CBD. They include background data on existing land use and intensities-of-use, buildings, parking analysis, study of circulation patterns, and analysis of environmentally sensitive features and existing infrastructure that influence the potential of the CBD.

Detailed physical design elements are to be provided in the plan components. These design elements are formulated to improve the functional and aesthetic characteristics of the district. Additionally, various traffic-calming and circulation approaches are offered to improve vehicular flow, pedestrian and vehicular safety and reinforce the district's context. The design element recommendations can be summarized as follows:

- Comprehensive circulation improvement recommendations and traffic calming alternatives;
- Streetscape improvement recommendations for roadways and sidewalks;
- Off street parking improvement concepts for existing parking areas to improve efficiency and utilization;
- Infill development concepts to examine and to provide examples of future development potential in consideration of mixed use commercial, residential and office land uses;
- CBD zoning recommendations
- Architectural guideline recommendations;
- Recommendations and concepts for the creation of public gathering spaces

Specific goals and objectives to guide the community's business district are summarized in this plan as a basis for the implementation of the plan's recommendations.

The Specific Changes Recommended for the Master Plan or Development Regulations, if any, Including Underlying Objectives, Policies and Standards, or Whether a New Plan or Regulations Should be Prepared.

- A. Master Plan. It is strongly recommended that Oakland's planning board prepare a new land use element of the master plan in order to comprehensively examine the changes that have occurred up to the present time and prepare the appropriate land use planning response. The new land use element should, at the very least, include a statement of objectives, principles, assumptions, policies and standards upon which the constituent proposals for the physical, economic and social development of the municipality are based. Additionally, the new land use element should comprehensively incorporate the newly adopted housing element, central business district plan and open space plan in an effort to introduce consistency in the Borough's planning documents. Presently the recommendations contained in these other documents are not reflected in the land use element which is a significant problem. Generally speaking, the land use element is considered to be the cornerstone of a master plan. To have other elements of the master plan which are in some sense contradictory to the land use plan is certainly not recommended. At the present time an objection to the Borough's housing plan has been filed with COAH. This makes the need for consistency among the Borough's various planning documents extremely important.

In a similar fashion the proposed land use element should introduce consistency of purpose with the recently adopted open space and recreation element as well as the recently adopted central business district plan. One recommendation contained within the central business district plan includes the extension of sanitary sewer service to the Ramapo Valley Road corridor. Whenever sanitary sewer service is first introduced into an area there is typically an attempt by property owners to intensify the land use activities that are occurring on their particular lot. This is especially true for those properties that have had their development potential hindered by reliance on a septic system. An updated land use element would offer the Borough the opportunity to comprehensively plan for changes in use and increased development activities to fully implement the central business district plan.

Furthermore, this proposed land use element would offer the Borough the opportunity to conform to the newly MLUL mandated consistency with the Highlands Council regional master plan as discussed in an earlier section of this reexamination report. Presently, as one would expect the Borough's land use element is silent on this matter.

Upon review there appear to be certain geographic regions of the Borough where recommendations to amend the current zoning would be appropriate. One such area includes Preakness Mountain. This is a National Heritage Priority Site due to the presence of rare plant and animal communities. Preakness Mountain is also home to the headwaters of C1 classified stream and freshwater wetlands of exceptional resource value. It is also outside the Boroughs' sanitary sewer area and lastly is physically within the Highlands Preservation Area. For these reasons and more, vacant and underdeveloped properties on the mountain in non-residential zones would be more appropriately placed in a large lot single family zone.

This same section of the Borough had formerly been designated as a potential affordable housing site for nearly a generation. The Borough's most recently adopted fair share housing plan acknowledges present day realities and no longer relies on this site for the production of affordable housing. As such, the affordable housing zone located on Preakness Mountain should be deleted and replaced with a zone that would permit large lot single family development. The facts quoted in this paragraph and the conclusions that flow from these facts are not altered by the grant of preliminary and final site plan approval to a certain development application. Development of this parcel, consistent with an earlier approval remains uncertain and the planning board and governing body must remain diligent in pursuit of alternate affordable housing solutions that reinforce the character of the community and the goals and objectives contained in Borough planning documents.

Other large vacant and underdeveloped parcels on Preakness Mountain should likewise have their current zoning designations studied by the board with the intent of reducing permitted levels of density.

In a similar fashion there is another example of a site formerly designated for affordable housing which like the property on Preakness Mountain never produced the affordable housing anticipated by the Borough. The third round housing plan recently endorsed by the governing body removed the affordable housing designation from this property as well. Similar to the property on Preakness Mountain, the time appears ripe to explore alternative zoning designations for this property as well.

Vacant or underdeveloped properties zoned for non-residential development that exhibit various environmental sensitivity such as of steep slopes, wetlands, floodplain or lack of community level infrastructure should have their zoning designation reexamined. There is at least one property on the east side of the Ramapo River in this category as well as extremely steep undeveloped property west of I-287.

- B. Regional Transportation Issues. One component of the CBD plan is exploring ways to increase mobility in and through the Ramapo Valley Road corridor. Another component of the study is an exploration of ways to increase off-street parking in strategic locations and then introduce a strong pedestrian circulation design that will encourage residents and visitors to explore the central business district on foot.

These issues, such as just how much parking should be required in the central business district and where it should be located are issues that impact the land use plan and are yet another example of why the preparation of a comprehensive land use element is in the public interest.

Additional aspects that should be further explored involve mobility and pedestrianism between and in residential neighborhoods

- C. Zoning Ordinance. The Land Use and Zoning Volume should be re-codified and reorganized so that design standards that the Borough seeks to enforce as zoning standards are placed in the zoning chapter of the code. Examples of this would be the section that addresses site plan requirements (§59-38B). Further, there are areas of the Land Use and Zoning Volume that are contradictory. One such example deals with something as basic as the size of a parking stall. The definition of "Parking Space" in Article 1 states a parking stall shall be not less than 180 square feet in size. The same definition in the zoning code portion of the Volume states a parking stall shall have an area of not less than 200 square feet. This inconsistency should be corrected. Other examples could be identified but the point has been made.

Additional concerns with the Land Use and Zoning Volume relate to the standards as promulgated under the Residential Site Improvement Standards. This document adopted by the State supersedes to the extent of any conflicts with local zoning ordinances when reviewing residential site plans and subdivisions. The problem arises since the Oakland code has not been amended to comply with the requirements contained in the Residential Site Improvement Standards. It is appropriate at this time to amend the local code and achieve the required consistency.

Other portions of the ordinance such as the environmental features ordinance and the cell tower ordinance require modifications. The cell tower ordinance identifies municipally owned sites as the preferred location for wireless communication facilities. There has been a series of court cases that have all stated that providing a municipal preference for the location of such facilities is an improper zoning technique. The Oakland ordinance should be amended to comply with these court decisions.

Large portions of the Borough have been placed in the Preservation Area of the Highlands Region. It would appear that the minimum required lot area per dwelling unit in the Preservation Area should be higher than in the Planning Area of the Highlands, but it is not. The planning board may want to

recommend to the Borough council that the minimum required lot area in the Preservation Area be dramatically enlarged.

The board of adjustment has appropriately contributed to this reexamination process by sharing with the planning board their working experience and knowledge gained of the zoning ordinance by their review of variance requests. They are most experienced with the variances that have been sought on a regular basis and the reactions of surrounding property owners to various proposals. The topics discussed in the board of adjustment letter should be carefully examined.

Other issues relating to the Land Use and Zoning Volume that need to be addressed include:

1. Child Care Centers in Residential Zones. The MLUL was amended by the legislature several years ago thereby requiring that family day care centers be a permitted use in all residential districts in a community. Presently the Oakland code does not list family day care as a permitted use in residential districts. As a result the Oakland code is contrary to state law.

Section 40:55D-66.1 of the MLUL establishes community residences for the developmentally disabled, community shelters for victims of domestic violence, community residences for the terminally ill, community residences for persons with head injuries and adult family care homes for elderly persons and physically disabled adults as a permitted use in all residential districts of every municipality in the state. The Oakland ordinance should be amended to include these specific uses as permitted in all residential districts in the Borough.

2. Child Care Centers in Non-Residential Zones. The MLUL has been amended by the legislature to require that child care centers be classified as permitted uses in all non-residential districts in the state. The Oakland ordinance presently is not in compliance with this state regulation. The ordinance should be so amended.
3. Conditional Uses. The conditional use section of the ordinance, specifically in the Business zone (automobile service stations) is not established properly. All conditional uses need to be clearly identified, not identified as a permitted use. In addition, the planning board may desire to review the so-called conditions to see if they appropriately address contemporary design issues associated with modern service stations. For instance, the current conditions do not address food marts, nor do they impose any limitation on the number of dispensers a service station is permitted to develop.
4. Introduction of Smart Growth principles into the Zone code, especially with regard to the Central Business District. As introduced under the heading of Major Land Use Issues Facing the Municipality the Borough should explore ways to encourage future development and redevelopment activities in the Borough to embrace smart growth principles which are otherwise consistent with local goals and objectives.
5. Preparation of an Updated and Correct Zoning Map The Borough should prepare and keep current a zoning map depicting each of the zones and the true and exact boundaries of each such district. The official zoning map of the Borough should be identified, by date and by the preparer, and a reference to that map identifying it as the official zoning map should be included in the zoning ordinance. Included as part of any zoning map, should be a table where the date and subject of each zoning amendment can be recorded. The zoning map original should be maintained in the Borough Clerk's office and be made available for inspection by members of the public.
6. This list of zoning ordinance and map concerns is not meant to be inclusive, rather it is simply meant to indicate the variety of items need attention is rather large and broad. Upon a detailed review additional items will come to light.

Recommendations Of The Planning Board Concerning The Incorporation Of Redevelopment Plans Adopted Pursuant To The "Local Redevelopment And Housing Law" Into The Lands Use Plan Element Of The Municipal Master Plan, And Recommended Changes, If Any, In The Local Development Regulations Necessary To Effectuate The Redevelopment Plans Of The Municipality.

The Borough of Oakland retains its economic vitality. After reviewing various portions of the Borough the planning board is aware that although certain limited sections of the Borough may exhibit certain levels of distress the underlying conditions are not so severe as to warrant a designation of being an area in need of redevelopment or being an area in need of rehabilitation.

Therefore, the planning board will actively monitor the situation but at this time declines to make a recommendation as to a specific portion of the Borough that would benefit from such a designation.