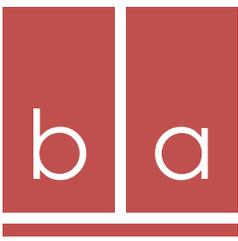


2016 OAKLAND MASTER PLAN REEXAMINATION REPORT AND REVIEW OF DEVELOPMENT REGULATIONS

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

Approved August 11, 2016





COMMUNITY PLANNING
LAND DEVELOPMENT AND DESIGN
LANDSCAPE ARCHITECTURE

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B U R G I S
A S S O C I A T E S , I N C .

2016 BOROUGH OF OAKLAND REEXAMINATION REPORT AND REVIEW OF DEVELOPMENT REGULATIONS

Borough of Oakland
Bergen County, New Jersey

Prepared for: Borough of Oakland Planning Board
BA# 3042.04

The original document was appropriately signed and sealed on August 11, 2016 in accordance with the State Board of Professional Planners.

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I. INTRODUCTION

Overview

The 2016 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 last thirty or so 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.

This reexamination report responds to the contemporary planning challenges that have been confronting the community. Among the most significant forces influencing and affecting the Borough from a planning perspective is the adoption of the Highland Water Protection and Planning Act ("Highlands Act") and the subsequent adoption of the Highlands Council Regional Master Plan ("RMP"). The Borough-wide impact of regional planning as introduced by the Highlands Water Protection and Planning Act will be discussed in more detail later in the reexamination report but is worthy of discussion at the outset as these forces have the potential to materially affect the Borough's response to future development proposals, encourage or possibly prevent expansion of infrastructure services and elevate environmental considerations in Borough decision making.

The Highlands Act divides the New Jersey Highlands Region into distinct geographic districts; a Preservation Area and a Planning Area. Oakland contains both areas within its borders. As detailed in the RMP, the primary difference between these two areas is that compliance with the RMP is mandatory in the Preservation Area and optional in the Planning Area. A second key distinction between these two areas is that Preservation Area policies are being implemented immediately while Planning Area policies become effective only upon a municipality securing final plan conformance from the Highlands Council.

Oakland has been an active participant in the Highlands Council plan conformance process. Oakland reviewed and offered comments and recommendations on each of the Highlands Modules as part of the plan conformance process. Upon completion of the module review process, Oakland petitioned the Highlands Council seeking plan conformance. The Highlands Council responded by holding a public hearing on the petition and in May 2014, approved with conditions, the Borough's petition for plan conformance.

Oakland anticipates continued collaboration with the Highlands Council in updating and revising Modules 2, 3, and 7, with much of the work being completed in late 2015 or early 2016. Upon completion of this preliminary work, Oakland believes it will be in position to finalize the Plan Conformance process. This master plan reexamination report is part of the Highlands Council plan conformance process.

The planning board most recently reexamined the master plan in 2012 to capture and foster specific affordable housing opportunities. In addition, the 2012 reexamination report made a recommendation to correct a zoning map error.

Prior to adopting the 2012 master plan reexamination report, which was limited in scope, the planning board had adopted a Borough-wide reexamination report in 2008. The 2008 reexamination report reviewed and commented on numerous contemporary planning issues confronting the Borough and made a number of recommendations. The 2016 periodic reexamination report builds upon these two earlier master plan reexamination reports.

In July 1994, the planning board adopted both a reexamination report and a Land Use Element. The 1994 Land Use Element is the most recent borough-wide Land Use Element adopted by the board. Following adoption of the 2012 reexamination report, and pursuant to a recommendation therein, the Planning Board amended the Land Use Element by recommending the establishment of a new affordable housing zone as part of the Planning Board's and Governing Body's continuing efforts to create realistic opportunities for the construction of affordable housing.

Each of these earlier reexamination reports and Land Use Plans were designed to guide the future development of the community in a manner consistent with sound planning criteria and all applicable statutory requirements. Additional planning documents include those listed below.

In addition to the 1994 periodic reexamination report and Land Use Element, the board also adopted a Housing Element that year. 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 available and 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 early Supreme Court affordable housing decisions.

The Borough's most recent housing plan adopted in 2010, addresses the Borough's cumulative affordable housing obligation dating from 1987. The 2010 housing plan was endorsed by the governing body. The governing body subsequently petitioned COAH seeking substantive certification of the housing plan. In the six or so years since Oakland petitioned COAH for substantive certification, COAH has failed to review Oakland's affordable housing plan.

Court action has challenged significant portions of the third round rules and the methodology adopted by COAH, especially with regard to allocation of affordable housing obligations based upon "growth share" concepts. Growth share seeks to allocate affordable housing obligations based upon future market rate growth and development that is anticipated to occur in a specific municipality. Those communities that

anticipated rapid growth were expected under the Growth Share methodology to deliver a larger affordable housing response than those communities projecting more modest levels of growth and development.

The court decisions invalidating significant portions of the adopted Third Round rules created uncertainty in determining municipal housing obligations and delayed the review of municipally endorsed housing plans by first COAH and after the Governor unsuccessfully attempted to dissolve COAH, the Department of Community Affairs.

In March 2015, the New Jersey Supreme Court, re Adoption of NJAC 5:96 & 5:97 by NJ Council on Affordable Housing, released a decision indicating that until COAH resumed functioning consistent with the Fair Housing Act and past judicial orders, all petitions seeking substantive certification of municipal affordable housing plans would be through the judiciary. The March 2015 decision established certain procedures, granted participating municipalities such as Oakland temporary immunity from builder's remedy lawsuits and established time frames for municipalities to adopt a housing element and fair share plan for submission to the Court. Furthermore, the March 2015 Supreme Court decision directed municipalities in large part to follow COAH's Second Round rules and regulations as these rules had been reviewed and found consistent with the statutory requirements of the Fair Housing Act and previous court rulings.

One key aspect not decided in the Supreme Court March 2015 decision was the determination of individual municipal affordable housing obligations. The Court decision left the determination of specific municipal affordable housing obligations to the municipalities and interested parties. In response, a consortium of municipalities banded together to hire appropriate experts to determine state-wide affordable housing needs and the allocation of this affordable housing need to individual municipalities. Oakland was one of over 220 municipalities participating in and contributing to the consortium. On the last day of 2015, the consultant released its report on affordable housing obligations. Pursuant to this report, it was estimated that New Jersey's statewide affordable housing prospective need for the 2015-2025 time frame totaled 37,710 dwellings. In March, this consultant released a revised report in which the estimated statewide affordable housing prospective need for the 2015-2025 time frame was identified as being 50,910 dwellings. These reports are continuing to be reviewed and their potential impact on Oakland assessed.

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. This effort is a collaborative one as Oakland is working very closely with the Northwest Bergen County Utility Authority. Oakland is seeking NJDEP approval to permit and authorize the introduction of sanitary sewer service to most of the developed portion of the borough, conveyance of the wastewater through one or two pump stations for treatment to the Northwest Bergen facility located in Waldwick. A significant regulatory restriction is that Oakland is not in the same watershed basin as the Waldwick treatment plant and both NJDEP and the Highlands Council have long standing policies discouraging the inter-basin transfer of wastewater. Oakland

feels compelled to seek approval of an inter-basin transfer due to the staggering financial cost and the regulatory hurdles inherent in constructing its own sewage conveyance and treatment facilities.

In 2014, Oakland sought and received a Smart Growth Planning Grant from the Association of New Jersey Environment Commissions to prepare a natural resource inventory. This comprehensive document provides objective, reliable environmental data in one document which will facilitate resource-sensitive decision making. The Planning Board adopted this document as an element of the master plan.

Oakland 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. Adoption of this plan was an important milestone since as a result of its adoption along with the Open Space and Recreation Tax referendum previously approved by the Borough's voters, Oakland is eligible to receive additional county and state funding to acquire and improve open space and recreation areas within the Borough. In fact, the Borough has experienced success in seeking funding to assist in the purchase of multiple flood prone properties along Roosevelt Boulevard. The Borough has also been successful in securing outside funding to assist in the purchase of land that has become Great Oak Park along Ramapo Valley Road.

More recently, the Borough has been successful in seeking Blue Acres funding to purchase homes in the Ramapo River floodplain. Once purchased, the Borough intends to demolish the dwellings and return the property to a natural and undisturbed condition.

2006 was also the year the Borough planning board adopted the community's Central Business District Plan for the commercial corridor area along Ramapo Valley Road. This plan was adopted as a sub-element to the Land Use Plan to encourage the revitalization and growth of the historic commercial 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 welcomes and encourages 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 Borough's master plan.

As presented herein, the 2016 reexamination report, along with its earlier reports, the 1994 Land Use Element, as amended, and the 2010 Housing Plan constitute the official guides 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 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.

More specifically, this document addresses the community's planning and zoning issues within the framework of the statutory requirements contained within the New Jersey Municipal Land Use Law and its master plan reexamination provisions found at N.J.S.A. 40:55D-89. 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.

The balance of this report will systematically focus on each of the above noted parameters prior to offering recommendations pursuant to clause d and e of the statute.

II. LEGAL REQUIREMENTS 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 periodic reexamination of the master plan at least once every ten years.

It should be noted that a periodic reexamination report is not a master plan. They serve different functions and a reexamination report can't substitute or replace a master plan. Reexamination reports can offer recommendations on adjusting, eliminating or establishing master plan goals and objectives and often will include recommendations for modifications to the master plan. Pursuant to N.J.S.A. 40:55D-62, municipalities may adopt a zoning ordinance and other development regulations but only after the planning board has adopted the land use plan element and the housing plan element of the master plan. Furthermore, except in extraordinary situations, all the provisions of such zoning ordinance shall either be substantially consistent with the land use plan element and housing plan element or designed to effectuate such master plan elements. The role of a reexamination report is intended to determine if the current master plan continues to function well or is in need of amendment or replacement.

The MLUL identifies the required contents of a master plan and the periodic 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, identifies the existing and proposed location, extent and intensity of development for residential and non-residential purposes, and states 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, including the preparation and adoption of periodic reexamination reports, 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 designed to implement the master plan's recommendations.

III. THE MAJOR PROBLEMS AND OBJECTIVES RELATING TO LAND DEVELOPMENT IN THE MUNICIPALITY AT THE TIME OF THE ADOPTION OF THE LAST 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 2012 and 2008 Periodic Reexamination Reports of the Master Plan.

1. Extension of appropriate levels of community infrastructure in a cost effective and environmentally sensitive manner. Most properties in the Borough are connected to the Borough's potable water supply system. Unfortunately this system needs 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 recommended a review was necessary to 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 and a longer term time horizon.

The potential development of large scale non-residential development has ramifications upon the Borough's water supply and distribution system. Typically, these types of buildings significantly increase the day time population of the Borough. These type buildings also require firefighting emergency supplies not typically demanded by single-family homes. The ability to produce and supply sufficient potable water resources to numerous non-residential buildings in various portions of the Borough in a cost effective and environmentally responsible manner continues to be a challenge.

A separate, but somewhat related issue is Oakland's reliance on individual on-site septic systems for the treatment of domestic waste. Nearly all development in the Borough, regardless if residential or non-residential, is not connected to a central sanitary wastewater system. Instead the overwhelming majority of developed properties in the Borough rely on individual on-site septic systems the vast majority of which are not in compliance with the latest amendment to the NJDEP Standards for Individual Subsurface Sewage Disposal Systems, while well over 400 properties in Oakland continue to use cesspools.

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 and thwarted the Borough's long term planning goals associated with the growth and development of

non-residential buildings. Reliance upon individual septic systems in many cases has also resulted in environmental damage to both groundwater and surface water systems.

2. Creation of a fully diverse and sustainable economic base. Since at least the 1980's the community has 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 fostering the development of large scale office buildings 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.

The corporate office classification was created at least in part to respond to this particular issue of creating and fostering a fully diverse and sustainable economic base. In 25 years this classification has not delivered the large scale office buildings that have been planned.

3. Revitalization of the Borough's central business district. This major land use issue is related to and in some respects is more focused than creating a fully diverse and sustainable economic base. Many of the impediments Oakland has faced with regard to establishing a fully diverse and sustainable economic base have also expressed themselves with regard to creating a revitalized central business district along Ramapo Valley Road.

The Planning Board first studied and then prepared a plan for this important corridor as a sub-element of the land use plan. The governing body subsequently adopted amendments to the zoning ordinance and map to implement the recommendations contained within the plan. In carefully selected locations the zoning amendment replaced the B-2 zone with new Central Business District I and II zones. These new zones were designed to function as the mixed-use, higher intensity core of the business corridor.

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 recognize with reference to the State Development and Redevelopment Plan (SDRP), the Highlands Council Regional Master Plan and affordable housing obligations as published by the Council on Affordable Housing.

One requirement imposed upon the Borough is achieving conformance with the Highlands Regional Master Plan. Although Oakland's petition for plan conformance was approved in May 2014, Oakland has yet to fully comply with the conditions attached to the petition approval. Much of the cause for delay has been the continuing uncertainty as to Oakland's affordable housing obligation and the means necessary to create a realistic opportunity to create affordable housing due to the continuing uncertainty over the extension of sanitary sewer infrastructure into Oakland.

5. Consistency between the Borough's land use objectives as defined and described in various Borough planning documents and the Borough's development regulations. Presently, the Borough's planning documents are not completely consistent with one another. Periodic reexamination reports are a perfect vehicle for use by the Planning Board to make specific recommendations and modifications to the land use element so consistency is achieved between the land use element, the housing element and the open space element.
6. Traffic/ Circulation Issues in Oakland. Traffic circulation was an important infrastructure issue raised in earlier reexamination reports. The distinction between local and regional traffic issues was explored, especially in the context of truck traffic and the potential for reintroducing passenger service on the New York Susquehanna and Western Railroad. Earlier reexamination reports also spoke of the need to address quality of life issues in the context of transportation issues and lack of alternatives to motorized vehicles such as bicycling and walking.
7. Review of Zoning Designations for Selected Properties. The Oakland Planning Board last adopted a Land Use Element in 1994. This land use element has been amended several times as the Planning Board addressed specific issues then confronting the Borough. 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.
8. Introduce and encourage sustainable design and "green building" practices within the Borough's planning culture. These topics were discussed in the earlier reexamination report. The Borough has responded by amending the zoning ordinance with regard to solar panels. Perhaps the Borough can do more to encourage sustainable design and "green building" practices by homeowners and the development community. This issue is particularly relevant with the need to reduce potable water consumption.
9. Creation of reasonable opportunities for the construction of affordable housing.
Although the Council on Affordable Housing ("COAH") has abandoned its mission of facilitating the production of affordable housing, the constitutional obligation for municipalities to create realistic opportunities for the creation of affordable housing remains. Oakland has taken numerous steps to encourage the development of affordable housing. A number of Housing Elements have been approved by the Planning Board. However, the affordable housing obligation is a continuing obligation. Oakland will need to continually reassess its progress in attaining and maintaining compliance with regard to affordable housing obligations.

IV. EXTENT TO WHICH PROBLEMS AND OBJECTIVES HAVE BEEN REDUCED OR HAVE INCREASED SUBSEQUENT TO THE LAST REEXAMINATION

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 recent reexamination documents 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, areas served by existing package treatment plants that are nearing the end of their expected life expectancy and the central business district. As this 2016 Reexamination Report is being drafted the Borough is continuing to explore with its sewer consultant, the Northwest Bergen County Sewer Authority and the New Jersey Department of Environmental Protection to find environmentally responsible ways to provide centralized sanitary sewer service to the above referenced sections of the Borough. The Borough has been ably assisted by the New Jersey Highlands Council which has offered Oakland both its expertise and generous financial resources.

In addition, the 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 and 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 passenger service has not been resumed on the railroad and it appears the push to reinstitute passenger service seems to have waned.

Borough efforts encouraging the beneficial redevelopment of the Ramapo Valley Road commercial corridor have been stymied to some degree by the lack of progress in introducing sanitary sewers into this portion of Oakland. Reliance on individual septic systems becomes a significant factor limiting future investment into development. A second limiting factor restraining commercial development along Ramapo Valley Road is the area's circulation pattern and the overall level of service experienced by motorists at certain key times of the day.

These above two issues (infrastructure and traffic) have ramifications with regard to creating and sustaining a fully diverse economic base. Businesses seeking new retail and office space have many options and locations to choose from, both in occupying currently vacant space and the construction of new space. Locations without sanitary sewers and satisfactory transportation services find themselves in a significant disadvantage to those areas that can offer enhanced infrastructure service.

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. Oakland first identified construction of large scale office buildings as planning goal in the 1980's.

The problems identified in earlier sections of this report involving the Corporate Office land use designation are continuing. No new corporate office buildings have been constructed in several years. Specifically many of the properties in the Corporate Office zone are either underdeveloped or vacant. In addition, the factors that have combined to prevent the development of large scale office buildings within the Corporate Office land use classification do not seem ripe for resolution in the foreseeable future.

Recognizing an opportunity to foster and encourage affordable housing existed, the 2012 reexamination report recommended a large, multi-acre distinct portion of the Corporate Office zone be amended as necessary to create a new zone that would encourage the establishment of a residential subdivision that includes a 20% affordable housing setaside. A subsequent amendment, first to the Borough's land use plan and then a zoning ordinance revision, were adopted pursuant to the reexamination report recommendation.

3. Need to Review Zoning Designations of Selected Properties. This problem has not been fully addressed to date. However, it is anticipated that upon completion of this periodic reexamination report and the amended Land Use Plan Element anticipated to follow, the zoning of properties throughout the Borough will be examined and recommendations for zoning adjustment might be forthcoming to the governing body.

4. Highlands Council Plan Conformance Implementation. The Highlands Council approved Oakland's Plan Conformance petition in May of 2014. Since then Oakland has been diligently working with the Highlands Council and others seeking a resolution to the problem of sewer service. In addition, the Highlands Council has announced that its modules #2, 3 and 7 need to be updated. Oakland has and continues to participate with the Highlands Council and anticipates that with the updating of these modules, Oakland will finalize all conditions attached to the plan conformance approval. At the minimum these conditions include adopting a Highlands Council approved "checklist ordinance", adoption of a Highlands consistent Land Use Element and Housing Element and Fair Share Plan and adoption of a Highlands Council consistent Land Use Ordinance.
5. Vision for the Oakland Industrial Park. The Oakland Industrial Park is north of Long Hill Road bordering Franklin Lakes. This property has been subdivided into 39 building lots. The vision behind the park was to create an area where modern light industrial office uses could beneficially co-exist creating both employment opportunities for Oakland residents and high value properties that will bear their share of the property tax share burden. The nature of the economy is changing again, as it always does. The traditional type of light industrial user the industrial park was originally designed to serve is becoming harder to find. As a result, the Board of Adjustment has witnessed a number of use variances for properties in the park. Despite the willingness to grant use variances, when an applicant demonstrates the statutory criteria, there remaining a number of under-utilized and even empty buildings in the park.
6. Affordable Housing Issues. Since the early 1970's municipalities in New Jersey have had a constitutional obligation to provide a realistic opportunity to provide a fair share of the region's affordable housing. This concept has proven most difficult to implement, especially since 1999 and the end of COAH's Second Round. In March of 2015, the Supreme Court ruled that municipalities were to no longer wait for COAH to adopt affordable housing regulations. The Supreme Court ruled that Superior Court judges would determine if participating municipalities were constitutionally compliant or not. The Supreme Court created a process whereby municipalities could file a Declaratory Judgement action with selected judges. Those municipalities that were found to be constitutionally compliant would be granted Substantive Certification through the judiciary.

Oakland, as a participating municipality, has filed a Declaratory Judgement motion. Based on papers submitted to the Court, Oakland has been granted immunity against the filing of "builder's remedy" style lawsuits. A builder or two has moved to intervene in our case and Oakland is prepared to participate in mediation to attempt to resolve outstanding issues based on the carrying capacity of the Borough's natural resource base and current septic system limitations, among other relevant factors.

V. THE EXTENT TO WHICH THERE HAVE BEEN SIGNIFICANT CHANGES IN THE ASSUMPTIONS, POLICIES AND OBJECTIVES FORMING THE BASIS FOR THE MASTER PLAN OR DEVELOPMENTAL REGULATIONS AS LAST REVISED, WITH PARTICULAR REGARD TO SPECIFIC PLANNING ISSUES AND GOVERNMENT POLICY

The Borough is a primarily residential community, with 4,412 parcels in the municipality in residential use. Residential values contribute 83.31% of the total assessed value in the community. Oakland also contains small but active business and industrial districts that provide employment opportunities. There are 139 commercial parcels and 60 industrial parcels, for a total 199 non-residential properties as indicated in Table 1 below.

**TABLE 1
EXISTING LAND USE, 2014
OAKLAND, NEW JERSEY**

Use	# of Parcels	Value
Vacant Land	172	\$23,633,700
Residential	4,412	\$1,808,154,900
Commercial	139	\$170,811,100
Industrial	60	\$168,454,500
Apartment	0	\$0.00
Total	4,799	\$2,173,979,600

Source: NJDCA Division of Local Government Services, 2014 figures and values.

Inventory of Municipal Housing Stock

This section of the Housing Element provides an inventory of the community's housing stock. It is important to prepare a municipal housing inventory and to identify the number of year-round and seasonal units, housing age, housing conditions, purchase or rental value, occupancy characteristics and type, number of units affordable to low and moderate income households, and substandard housing units capable of being rehabilitated. Each of these items is identified in this section of the report.

1. Number of Housing Units

The U.S. Census in 2010 indicated there were a total of 4,470 housing units in the borough, 4,335 of which were identified in the Census as occupied units. Counted among the 4,470 dwellings were just 135 vacant units, representing a 3.6 percent vacancy rate. This and associated occupancy data are presented in Table 2. (The following tables may have conflicting figures relative to the total numbers of housing units due to some census data addressing only year-round housing units).

To supplement and update the information provided by the U.S. Census, information from the N.J. Department of Community Affairs (“DCA”) Construction Reporter was reviewed. According to this source, 1 new certificate was issued in 2010, no new dwellings in Oakland received certificates of occupancy during 2011. In 2012, 6 new dwellings received certificates of occupancy, in 2013, 7 certificates for new dwellings were issued while in 2014, 5 certificates were issued. As this document is being prepared, the Construction Reporter provides no information for construction activity that took place in 2015.

DCA’s Construction Reporter indicates a total of 7 dwellings were demolished in Oakland since the Census information was compiled. No demolition activity is reported for 2015. We estimate that 19 dwellings have been added to the 4,470 counted by the Census in 2010, and 7 demolition permits were issued so halfway through the decade there are 4,782 dwellings in Oakland.

2. Housing Occupancy and Age

Table 2 indicates if housing is occupied or not and if occupied whether the units is owned by the occupant or rented. This table also indicates how many units are vacant and available either for purchase or rent. The number of seasonal dwellings in Oakland is also indicated.

TABLE 2
HOUSING: STRUCTURAL CHARACTERISTICS, 2010
OAKLAND, NEW JERSEY

Characteristics	Number	Percent
Total Housing Units	4,470	100.0
Total Occupied Housing Units	4,335	96.9
Owner-Occupied Housing Units	4,041	90.4
Renter-Occupied Housing Units	294	6.5
Vacant for Rent	24	0.53
Vacant for Sale	37	0.82

Source: 2010 U.S. Census.

Table 3 shows the relative age of housing in the borough. The percentage of housing constructed prior to 1950 is 45.1 percent. Housing constructed prior to 1950 totals 1,279 dwelling units. 7.9% of the housing stock was constructed after 2000. While most of this housing is considered to provide safe and sanitary conditions, there is some evidence, detailed herein, that a small percentage of dwellings in Oakland may contain substandard conditions.

TABLE 3
YEAR STRUCTURE BUILT, 2013
ALL HOUSING UNITS
OAKLAND, NEW JERSEY

Number	Numerical Change	Year Constructed	Percent Change
2,827	---	1960	----
3,877	1,050	1970	37.1
3,979	102	1980	2.6
4,019	40	1990	1.0
4,345	326	2000	8.1
4,770	425	2010	9.7
4,782	12	2015*	

Source: 2009- 2013 American Community Survey 5-Year Estimates.

* Burgis Associates estimate.

3. Purchase and Rental Values

The 2013 American Community Survey describes owner-occupied and renter-occupied housing values. Table 4 indicates the distribution of housing costs of owner-occupied units. The median value of such units was noted to be \$457,900 in 2013. Similarly, Table 5 indicates renter-occupied housing units with a median gross rental value of \$1,642. In addition, there were recorded 34 rental units with no rent being paid.

TABLE 4
SPECIFIED OWNER-OCCUPIED HOUSING UNITS BY VALUE, 2013
OAKLAND, NEW JERSEY

Value Range	Number
Less than \$50,000	24
\$50,000 to \$99,999	29
\$100,000 to \$149,999	23
\$150,000 to \$199,999	23
\$200,000 to \$299,999	226
\$300,000 to \$499,999	2,087
\$500,000 to \$999,999	1,467
\$1,000,000 or more	50
Median Value	\$457,900

Source: 2013 American Community Survey 5-year estimates.

TABLE 5
SPECIFIED RENTER-OCCUPIED HOUSING UNITS PAYING CASH RENT, 2013
OAKLAND, NEW JERSEY

Rent	Number
Less than \$200	0
\$200 to \$499	0
\$500 to \$749	24
\$750 to \$999	10
\$1,000 to \$1,499	64
\$1,500 or more	128
Median gross rent	\$1,642

Source: 2013 American Community Survey 5-year estimates.

4. Occupancy Characteristics and Type

Tables 6 through 8 provide additional data concerning the housing stock in the borough, including data on the number of bedrooms per dwelling unit, and data concerning kitchen and bathroom facilities, and heating and air conditioning facilities.

TABLE 6
UNITS IN STRUCTURE, 2013
YEAR-ROUND HOUSING UNITS
OAKLAND, NEW JERSEY

Units in Structure	Number	Percent
Single Family, Detached	4,103	94.8
Single Family, Attached	107	2.5
2	49	1.1
3 or 4	6	0.1
5 to 9	56	1.3
10 to 19	0	0.0
20 or more	8	0.2
Mobile Home	0	0.0
Total	4,329	100.0

Source: 2009-2013 American Community Survey 5-year estimates.

TABLE 7
NUMBER OF BEDROOMS IN HOUSING UNITS, 2013
OAKLAND, NEW JERSEY

Bedrooms	Number	Percent
None	24	0.6
One	153	3.5
Two	530	12.2
Three	1,936	44.7
Four	1,362	31.5
Five or more	324	7.5
Total	4,329	100.0

Source: 2009- 2013 American Community Survey 5-year estimates.

TABLE 8
KITCHEN, PLUMBING AND SEWER FACILITIES, 2013
OCCUPIED HOUSING UNITS
OAKLAND, NEW JERSEY

Facilities	Number	Percent
Complete Plumbing Facilities	4,180	99.8
Lacking Complete Plumbing Facilities	9	0.2
Complete Kitchen Facilities	4,147	99.0
Lacking Complete Kitchen Facilities	42	1.0

Source: 2009-2013 American Community Survey 5-year estimates.

5. Number of Units Affordable to Low and Moderate Income Households

The U.S. Census of Housing in 2009 established a median household income of \$102,222 for the community's region. Based upon this standard, the income of low and moderate households would represent 80 percent or less of this number, or \$81,777. With the exception of adjustments for family size, and using a rule of thumb of two times income for sales housing and one-quarter yearly income for rental housing, this would produce a housing cost level of \$163,554 for sales housing and \$1,703 for rental housing.

The 2013 American Community Survey estimates 76 dwelling units met this income limitation for owner occupied housing, while 98 rental units fall within the generally accepted rental levels. Rental information is limited to certain price points, the highest one being \$1,500 and more. In our analysis we did not include any units in the \$1,500 and greater category even though there must be some units between \$1,500 and \$1,703. Thus the number of apartments that would satisfy the definition of affordable has been under reported due to the limitations on Census information. In a similar fashion, the number of affordable for-sale units is under reported as zero units in the \$150,000 to \$199,000 category were included, even though it would appear likely that some in this group at a price point under \$163,554.

Projection of Municipal Housing Stock

As important as it is to understand the status of the Borough's existing housing stock, it may be even more important to make projections of future housing based upon an assessment of data which minimally must include the number of housing units constructed or construction permits issued during the last ten years, the number of low and moderate income housing units constructed previously, the number of low and moderate income housing units rehabilitated previously, a projection of the community's housing stock for the next six year period, and the number of subdivisions and site plans approved for residential purposes during the last six years. Each of these items is identified below.

1. Housing Units Constructed During the Last 10 Years

Table 9 provides data concerning certificates of occupancy permits issued from 2005 to 2014. A total of 49 such permits were issued, all of which were for single-family residences, for an average rate of less than five new dwelling units annually.

Table 9 also provides information concerning the number of demolition permits the borough issued during the same 10 year time period. A total of 46 demolition permits were issued during this period. Thus Oakland's housing stock increased by 3 dwelling units between 2005 and 2014.

TABLE 9
BUILDING AND DEMOLITION PERMITS ISSUED, 2005-2014
OAKLAND, NEW JERSEY

YEAR	SINGLE FAMILY	TWO-FOUR FAMILY	MULTI-FAMILY	MIXED-USE	TOTAL	DEMOLITION PERMITS
2005	13	0	0	0	13	2
2006	1	0	0	0	1	23
2007	8	0	0	0	8	3
2008	5	0	0	0	5	0
2009	3	0	0	0	3	10
2010	1	0	0	0	1	1
2011	0	0	0	0	0	4
2012	6	0	0	0	6	2
2013	7	0	0	0	7	0
2014	5	0	0	0	5	1
TOTAL	49	0	0	0	49	46

Source: NJ Construction Reporter.

2. Number of Low and Moderate Income Housing Units Previously Constructed

The Department of Community Affairs maintains information concerning the construction of affordable housing on its website. As of March 1, 2011 Oakland had been credited with the completion of 12 affordable dwelling units. These 12 credits are all within group homes.

3. Number of Low and Moderate Income Housing Units Previously Rehabilitated

During the period from April 1, 1990 to present, six housing units were rehabilitated through the Bergen County Home Improvement Loan Program. The average cost expended on these residential rehabilitations was approximately \$10,000. Oakland continues to seek opportunities to rehabilitate additional substandard dwellings and improve them to a code compliant status.

4. Projection of Community's Housing Stock for the Next Ten Years

During the period from 2005 to 2014, Oakland issued 49 residential certificates of occupancy, all of which were for single-family dwellings. It is noted that 2005 (13) and 2007 (8) were the years with the greatest number of Certificates of Occupancy issued. Due to the fully developed character of the borough, the adoption of the Highlands Regional Master Plan in 2008 and the borough's reliance on septic systems for most areas of the borough, current development trends reflective of slow growth rates are expected to continue into the future. Based upon these long-standing trends and the documented lack of vacant land in Oakland, projections for increases in the borough's housing stock during the next ten year period are anticipated to be minimal.

It is further observed that during this time frame, the borough issued 46 demolition permits, thus the increase in the housing stock between 2005 and 2014 was 3 single-family dwellings.

5. Number of Subdivisions and/or Site Plans Approved for Residential Purposes During the Past Ten Years

Table 10 provides data for the number of subdivisions and site plans approved for residential purposes. According to the Bergen County Planning Board, no new residential lots have been created between the years 2004 and 2014. Approval authorizing the construction of 20,188 square feet was granted during this same time frame.

TABLE 10
NUMBER OF RESIDENTIAL LOTS CREATED
MAJOR AND MINOR SUBDIVISIONS AND AMOUNT OF SQUARE FEET APPROVED
OAKLAND, NEW JERSEY
2004 - 2014

Year	Construction, Measured in Sq. Ft.	Number of Lots Created
2004	12,177	6
2005	46,962	4
2006	33,503	8
2007	3,669	5
2008	48,630	0
2009	33,398	0
2010	25,380	0
2011	850	2
2012	7,517	0
2013	0	5
2014	0	0
Total	212,086	30

Source: Bergen County Planning Board, 2015.

Population Analysis

An analysis of the community's socio-economic characteristics, including an assessment of population size, rate of population growth, age and sex characteristics, income levels, and household size is important to plan for demographic changes that might be operating on the Borough. Each of these items is described in this section of the report.

1. Population Size

The 2010 census reported the local population to be 12,754 residents. The 2013 US Census Bureau population estimate for Oakland is 12,959 residents, an estimated increase of 205 over the number of residents counted in 2010. The increase between the counted population in 2010 and the 2013 estimated population is 1.6%.

2. Rate of Population growth

Table 11 presents the rate of growth for Oakland from 1950 through 2010. The data indicate that Oakland's population increased between 2000 and 2010. This ended a 20 year population decline. It is noted that Oakland had a higher population in 1970 than the borough had in 2010.

TABLE 11
RATE OF POPULATION GROWTH
OAKLAND, NEW JERSEY
1950-2010

Year	Oakland Population	Population Change	Percent Change
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	+489	+3.9
2010	12,754	+288	+2.31

Source: U.S. Census of Population.

3. Age and Sex Characteristics

Data concerning characteristics of the borough's population by age and sex is presented in Table 12. The 2010 data indicates that 51.1 percent of the community is female and 48.9 percent male. However, among residents sixty-five years of age and older, the proportion of females to males increases, with 56.5 percent of the 1807 residents sixty-five years of age and older being females.

Overall, borough residents have a median age of 42.8 which is only somewhat greater than the County figure of 41.1 years.

TABLE 12
AGE AND SEX DISTRIBUTION 2000 AND 2010
OAKLAND, NEW JERSEY

Age Group	2000 Number	2000 Percent	2010 Population	2010 Percent
0-4	970	7.8	679	5.3
5-24	2,850	22.9	3,384	26.5
25-64	7,062	56.6	6,884	53.9
65 and over	1,584	12.4	1,807	14.2
Total	12,466	100	12,754	100

Source: U.S. Bureau of the Census 2000 table PCT013 and 2010, Characteristics of the Population, Table P12/P13.

4. Birth and Death Statistics

As shown in Table 13, birth and death statistics from 2004 to 2011, the last year for which data is available, for the borough of Oakland indicate a natural increase in population of 244 people. For every year, more births than deaths were recorded, over the course of the 8 years studied, the average natural population increased an average of 30 residents.

TABLE 13
NUMBER OF BIRTHS AND DEATHS, 2004-2011
OAKLAND, NEW JERSEY

Year	Births	Deaths	Change in Births/Deaths
2004	158	101	+57
2005	126	96	+30
2006	139	79	+60
2007	118	92	+26
2008	118	117	+1
2009	120	75	+45
2010	116	101	+15
2011	108	98	+10
Total	1003	759	244

Source: State of New Jersey, Department of Health
New Jersey Health Statistics, 2004 to 2011.

5. Income Level

Table 14 provides data for family and household income by income category. The median Oakland household income reported in 2013 was \$117,742 the median family income was \$123,008 and non-family household income was \$39,943. Comparable data for Bergen County as reported for 2013 in the American Community Survey was \$77,389, \$97,394, and \$40,471 respectively. From this snapshot it can be gleaned that Oakland households, and families households are economically significantly ahead of the County as a whole while non-family households are economically very similar to the non-family households for the County as a whole.

TABLE 14
HOUSEHOLD AND FAMILY INCOME, 2013
OAKLAND, NEW JERSEY

Income	Households	Families
Less than \$10,000	86	21
\$10,000 to \$14,999	82	0
\$15,000 to \$24,999	139	35
\$25,000 to \$34,999	185	102
\$35,000 to \$49,999	324	244
\$50,000 to \$74,999	426	376
\$75,000 to \$99,999	523	476
\$100,000 to \$149,999	1,047	983
\$150,000 or more	1,377	1,227
Total	4,189	3,464
Median income Oakland	\$117,742	\$123,008
Median income Bergen County	\$77,389	\$97,394

Source: U.S. Bureau of Census, 2009-2013 American Community Survey.

6. Household Size

Oakland's household size, with the exception of 1970, has consistently declined between 1960 and 2000 before rising from 2.88 in 2000 to 2.89 in 2010. These figures are depicted in Table 15. In 1960, Oakland had an average household size of 3.82 persons. In 1970 this figure increased to 3.92. By 1980 household size declined to 3.42. It declined further to 3.00 persons per household in 1990. In 2010, Oakland household size was 2.98. Between 1960 and 2010, Oakland has always recorded a larger household size than the County as a whole.

The general decline in household size, from 3.82 persons per household in 1960 to 2.89 in 2010 is not unique to Oakland. Similar declines have been registered in many Bergen County municipalities. The County decreased from 3.30 persons per household in 1960 to 2.54 in 1990, a decline of 23 percent. Since 1990, the County has experienced an increase in household size, recording household sizes of 2.64 in 2000 and 2.66 in 2010.

TABLE 15
HOUSEHOLD SIZE
OAKLAND, NEW JERSEY
1960 – 2010

Year	Population	Number of Households	Household Size Oakland	Household Size Bergen County
1960	9,446	2,476	3.82	3.30
1970	14,420	3,679	3.92	3.17
1980	13,443	3,880	3.42	2.76
1990	11,997	3,907	3.00	2.54
2000	12,466	4,255	2.88	2.64
2010	12,754	4,335	2.89	2.66

Source: U.S. Census Bureau.

Employment Characteristics and Trends

An analysis of the existing and probable future employment characteristics of the community, including the current employment in the municipality and historic trends from 1972 to the current reported year, employment characteristics and occupational patterns of residents of the community is important in understanding the relative wealth of a community. It is useful to understand the number of subdivisions and/or site plans approved for non-residential types of development potentially impacting upon the community, other community or regional factors which may impact upon municipal employment, and the probable future employment characteristics in the community. These items are addressed below.

1. Historic Employment Trends

Table 16 provides employment data from 2004 through 2014, the last year for which data has been published. The data indicates that the number of jobs fluctuated throughout this period with their being fewer jobs in 2014 compared to 2004. The lowest number of jobs was reported in 2011. Between 2012 and 2103 there was a large spike in the number of jobs.

TABLE 16
COVERED EMPLOYMENT TRENDS 2004-2014
OAKLAND, NEW JERSEY

Year	Number of Jobs	Change in Number of Jobs	Percent Change
2004	7,910	-----	-----
2005	7,778	-132	-1.61
2006	5,947	-1831	-23.54
2007	5,973	+26	+0.43
2008	5,997	+24	+0.40
2009	5,739	-258	-4.30
2010	5,479	-260	-4.53
2011	5,110	-369	-6.73
2012	5,245	+135	+2.57
2013	5,831	+586	+11.17
2014	5,813	-18	-0.30

Source: State of New Jersey, Department of Labor and Workforce Development, Quarterly Census of Employment and Wages.

2. Employment Characteristics and Occupational Patterns of Oakland Residents

Tables 17 and 18 describe the employment characteristics and occupational patterns of Oakland residents. Table 17 indicates that 54 percent of all jobs are concentrated in three fields - manufacturing, retail trade and professional service.

Manufacturing accounts for 15.5 percent of all employment in the borough, retail trade 17.2 percent and professional and related services, 21.3 percent.

TABLE 17
EMPLOYED PERSONS 16 AND OVER BY INDUSTRY
OAKLAND, NEW JERSEY
2013

Industry	Number	Percent
Agriculture, Forestry, Fisheries and Mining	12	0.2
Construction	398	6.4
Manufacturing	688	11.0
Transportation, Warehousing and Utilities	192	3.1
Information and Communication	176	2.8
Wholesale Trade	316	5.1
Retail Trade	698	11.2
Finance, Insurance, Real Estate	594	9.5
Professional, scientific and management	882	14.2
Educational, Health Care and Social Services	1,476	23.7
Arts, Entertainment, Recreation and food services	369	5.9
Other Services, except Public Administration	219	3.5
Public Administration	208	3.3
Total	6,228	100.0

Source: 2009-2013 American Community Survey-5 Year Estimates.

Table 18 identifies resident employment by occupation. It indicates that over 78 percent of the population is concentrated in two occupational categories- managerial/professional specialty and sales and administrative support.

TABLE 18
EMPLOYED PERSONS 16 AND OVER BY OCCUPATION, 2013
OAKLAND, NEW JERSEY

Occupation	Number	Percent
Management, Business, Science and Arts Occupations	3,234	51.9
Service Occupations	645	10.4
Sales and Office Occupations	1,640	26.3
Natural Resources, Construction and Maintenance Occupations	463	7.4
Production, Transportation and Material Moving Occupations	246	3.9
Total	6,228	100.0

Source: 2009-2013 American Community Survey 5-Year Estimates.

3. Other Regional or Community Factors Impacting Upon Future Municipal Employment

There is no single primary regional factor impacting upon future local employment. The developed character of Oakland together with a minimal availability of vacant land act to curtail opportunities for future development and additional local employment opportunities.

4. Probable Future Employment Characteristics

Oakland's employment has fluctuated throughout this decade. In 2004, there were in excess of 7,900 covered employment jobs in Oakland. The number of covered employment jobs had decreased to a low in 2011 before rebounding somewhat according to information provided by the Quarterly Census of Employment and Wages. Due to the scarcity of vacant land for nonresidential development this fluctuating pattern is expected to continue within the ranges that have occurred in the recent past. No significant change in employment characteristics by industry or occupation is anticipated during the planning horizon of the affordable housing plan.

VI. 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

1. Preparation of a new Land Use Element to the Master Plan

Oakland last prepared a comprehensive Land Use Plan some 22 years ago in 1994. Since then a number of specific amendments have revised the Land Use Plan. Typically these focused on a specific portion of the Borough, such as the commercial corridor along Ramapo Valley Road or addressed a specific land use issue, such as affordable housing. Since adoption of the Land Use Plan there has been significant modifications in the way communities address land use issues, the regulatory climate in which communities function and the demands of the development community. The current Land Use Plan does not predict or recognize these changes.

Preparation of a new Land Use Plan would result in adoption of a contemporary plan at the same time the Borough is charged with adopting both a new Housing Element and Fair Share Plan and a Master Plan Highlands Element. Adoption of a new Land Use Plan will permit the coordination and integration between all three required and critical master plan elements.

Preparation of a new Land Use Plan will also provide a proper forum to address issues and concerns given voice in the 1994 Land Use Plan or the subsequent reexamination reports produced since then. Some of these concerns and issues are addressed in summary fashion below after the recommendation to undertake a comprehensive review of Oakland's zoning ordinance.

Preparation of a new land use element provides the Planning Board with an opportunity to reformulate an updated list of planning goals and policies designed to address contemporary planning issues confronting the Board. In addition to the purposes of zoning as articulated in the Municipal Land Use Law, a list of goals and policies might include the following:

- a. **Goal 1**: To maintain and enhance existing areas of stability in the community.

Policy Statement: It is the Borough's policy to encourage a proper distribution of land uses by designating areas which have their own uniform development characteristics. The plan's land use recommendations are designed to protect and reinforce the prevailing detached single-family residential development patterns in the Borough. Incompatible land uses should continue to be restricted from established residential areas and residential uses should be discouraged from

extending to inappropriate locations in the community. Residential densities should be compatible with the recommended levels prescribed within this plan.

- b. **Goal 2:** To ensure future development and redevelopment activities within the community can be accommodated within the Borough's existing or planned infrastructure systems.

Policy Statement: All future development and redevelopment activity will be expected to insure a sufficient level of service is provided to meet the needs of residents of the development. The Borough seeks to encourage development that preserves Oakland's sensitive environmental features including floodway and floodplains, groundwater recharge areas, wetlands and their associated buffers, well-head protection areas, steep slopes (15% and up) and environments supporting rare, threatened or endangered species. Oakland recognizes there are numerous sites within the Borough that are typified by extensive environmentally sensitive features and therefore will not be able to accommodate their full zoned development potential.

- c. **Goal 3:** To encourage and provide for adequately sized buffer zones to separate incompatible land uses.

Policy Statement: An effective way to provide stability and protection to developed portions of the community is to ensure that all future development and redevelopment proposals provide sufficient buffers to shield existing uses from incompatible land use activities.

- d. **Goal 4:** Provide a variety of housing types and densities and ensure a balanced housing supply. As one component of this goal, Oakland Borough recognizes the particular housing needs of its citizens with special needs. This goal statement should be interpreted broadly to specifically include encouraging the delivery of special needs affordable housing within the Borough.

Policy Statement: Oakland seeks to provide a realistic opportunity for the construction of affordable housing. Affordable housing sites shall be in appropriate locations and serviced by appropriate infrastructure systems.

- e. **Goal 5:** Create opportunities to encourage the creation of both market rate and affordable senior housing.

Policy Statement: The baby boom generation continues to age. Oakland has witnessed an aging of its population. There is a lack of housing designed to service the unique housing needs of older residents. Oakland should encourage developers or the public sector to provide such housing, especially to meet the needs of older Oakland residents who seek housing designed specifically for their needs.

- f. **Goal 6:** To promote the continued maintenance and rehabilitation of the Borough's housing stock.

Policy Statement: Although most of the Borough's housing stock is well maintained, there are some areas of the Borough typified by deferred maintenance. The Borough seeks to encourage and enable the rehabilitation of these dwellings for the betterment of the individual residents and the overall good of the community.

- g. **Goal 7** To preserve the historic features of the Borough.

Policy Statement: Oakland recognizes its historic features continue to be an integral part of the community's unique character. To achieve this goal, the Borough seeks celebrate its heritage in a number of ways. Furthermore, Oakland seeks to identify, maintain and protect historically significant structures and sites from adverse impacts created by development proposals, whether they be public or private.

- h. **Goal 8:** Oakland seeks to provide sanitary sewers throughout the Borough.

Policy Statement: Oakland's soils do not encourage use of septic systems. In addition, most portions of the Borough have developed a densities and intensities beyond what the soil can accommodate. To protect public health, the environment and encourage productive economic growth, sanitary sewer service must be provided throughout developed portions of the Borough. It is especially important to decommission a number of older, smaller and less efficient plants and have the wastewater flows these plants are currently treating re-routed to an existing regional treatment facility.

- i. **Goal 9:** To promote a safe, efficient and appropriate multi-modal circulation network.

Policy Statement: Oakland residents overly dependent on the privately-owned automobile for mobility. Oakland seeks to develop a more comprehensive transportation system that lessens demand on use of automobiles and one that reduces vehicle miles travelled. Oakland recognizes the existing circulation system incorporates a number of inherent deficiencies which serve to impede traffic flow. The intent of this plan is to improve the safe and efficient movement of traffic through the community, enhance pedestrian safety especially in school areas and the central business district. An equally important goal is to protect residential neighborhoods from commuters and other cutting through neighborhood looking for a short cut. An appropriate multi-modal circulation system includes development of commuter parking areas so Oakland residents can take advantage of enhanced public transit opportunities.

- j. **Goal 10:** To promote and encourage the revitalization and enhancement of the Ramapo Valley Road commercial corridor as well as other commercially developed areas.

Policy Statement: The Borough seeks to implement a comprehensive and coordinated long-range plan to guide the growth, development and physical improvements necessary to ensure the long range vitality of these areas. The revitalization needs to include a definitive plan outlining the enhancement of the physical appearance through comprehensive and integrated streetscape improvements, building expansion and renovations and related physical improvements to the affected properties. It is especially important to establish an identifiable unified district image for the Ramapo Valley Road commercial corridor. Perhaps most important it is necessary that the Borough recognize the changing nature of retail operations and uses and find ways to accommodate these evolving trends if possible.

- k. **Goal 11:** Oakland seeks to pursue opportunities to achieve a greater balance of nonresidential to residential land use in appropriate locations and at appropriate intensities.

Policy Statement: Nonresidential development will provide growth in local employment and reduce the tax burden on residential property owners.

- l. **Goal 12** The Oakland Industrial Park and other light industrial areas of the Borough are an important community resource that need to be nurtured and protected.

Policy Statement: Oakland has been well served by the discrete light industrial districts created in the Borough. Fundamental changes have occurred and continue to occur in the industries that have settled in Oakland or might be tempted to locate in the community. The Borough needs to ensure its development regulations do not discourage the establishment or expansion of desirable light industrial uses. Furthermore, the Borough needs to actively work to ensure that industrial users are supported with adequate infrastructure, including sanitary sewers and a well-designed, safe and efficient traffic circulation system.

- m. **Goal 13:** To discourage the creation of flag lots in the Borough.

Policy Statement: The Borough maintains that flag lots represent an improper land use arrangement which results in arrangement of lots that are inconsistent with the community's established development pattern. Such lot arrangement also hinders emergency service response and access to residents living on dwellings developed on flag lots.

- n. **Goal 14:** To achieved final Highlands Council Plan Conformance within a reasonable timeframe.

Policy Statement: The official policy of the Borough is to achieve Highlands Plan Conformance. The Planning Board joins in and concurs with this policy.

- o. **Goal 15:** To integrate Highlands Plan Conformance into Oakland's planning process.

Policy Statement: The Planning Board seeks to adopt as soon as practical the Highlands Council Master Plan element into the Oakland Master Plan. The Planning Board encourages the adoption of the ordinances to attain consistency with this Highland Master Plan Element.

- p. Goal 16: Oakland should continue to pursue the preservation of open space.

Policy Statement: Oakland has done a superb job of preserving open spaces on Ramapo Mountain, lands along the Wayne Township line and along the Ramapo River. The Borough should seek to preserve open space within its residential neighborhoods for the creation of vest pocket parks. To ensure these parks serve the local neighborhoods in which they are located, parking should not be provided. In addition to pursuing additional open space opportunities, the Borough must maintain and enhance the existing open spaces it has already acquired. Use of local non-profits and local service organizations such as Boy Scouts and Girl Scouts can be an important source of volunteers.

- q. Goal 17: Oakland should continue to support conservation efforts that preserve environmentally sensitive land, maintain the proper and beneficial function of natural systems and protect residential neighborhoods, especially from flooding episodes.
- r. Goal 18: Oakland should pursue the creation of a borough-wide pedestrian link between recreational facilities, preserved open space, residential neighborhoods and significant civic spaces such as schools, the municipal building and the library. A multi-use path along the Ramapo River would be an excellent beginning to this pedestrian link.

2. Comprehensive review of Borough's Zoning Ordinance

Oakland's Zoning Ordinance was prepared in the late 1970's and although it has been revised and amended from time to time, it has never been the subject of a comprehensive review. This is an opportune time to review and potentially strengthen and simplify the zoning ordinance. It is likely that significant portions of Oakland's master plan will be completely revised and updated based on affordable housing compliance issues and the Highlands Council plan conformance process. Understanding that a municipal zoning ordinance is intended to effectuate the goals of the local master plan, it is important to first create new master plan elements and then revise the zoning ordinance as the second phase of the same undertaking. Specific concerns that both a new master plan and revised zoning ordinance should address are listed below:

- a. Creation of a fully diverse and sustainable economic base.

Two distinct areas in Oakland are within the Corporate Office zone. The first area is along Yawpo Avenue and is dominated by Indian Hills High School, the campus itself occupying some 50 acres

of property. The second section of Oakland within the Corporate Office zone are those three lots totaling 22 acres south of the Post Road, Stone Fence Road intersection. Two of these lots are vacant, the remaining lot has some marginal improvement on it. In addition, there is one area zoned Corporate Office & Industrial Park. This last area is located surrounding Muller Road west of I-287 and consists of 87.5 acres.

The reduction in the size of the Corporate Office zone, as noted earlier in this reexamination report, is significant. Also significant is the lack of development applications seeking to construct large scale office buildings in any of the distinct portions of this zone. Taken together, these two factors suggest it is time to carefully scrutinize the Corporate Office zone and the Corporate Office & Industrial Park zone, their potential for achieving the results which were intended for these zones and potential alternative uses for these properties. This may be an opportune time to offer new land use recommendations for the extensive area so zoned.

b. Revitalization of the Borough's central business district.

The Ramapo Valley Road commercial corridor is an important community resource. The Borough needs to plan proactively to insure the continued, long-term viability of this asset. Adoption of two new zones along a portion of the corridor was a necessary action enhancing the competitive nature of properties comprising the commercial corridor, more needs to be accomplished.

Local officials should continue to pursue state and county officials to improve traffic flow through this important roadway. In addition, it may be useful for the Borough to seek assistance from the Main Street, New Jersey program located within the Department of Community Affairs Division of Housing & Community Resources. Main Street New Jersey may be able to offer expertise to Borough property owners. Programs and funding in the form of low interest loans for façade upgrades and guidance on special events programming may also be available.

Efforts to extend sanitary sewer service to the commercial and civic areas along this roadway is more important than ever. Work on this aspect of improving the Ramapo Valley Road corridor continues in a cooperative venture between the Borough, Northwest Bergen County Utilities Authority, the Highlands Council and NJDEP. Due to the likelihood of transferring wastewater flows to a different watershed basin, additional interested parties may need to participate in these proceedings.

c. Consistency between the Borough's land use goals and objectives and those of other levels of government.

Oakland is included within the New Jersey Highlands. The New Jersey Highlands, part of the larger multi-state Federal Highlands Region, is a distinctive physiographic province, serving as a significant green belt along the East Coast, containing over 1,343 square miles in the northwest

part of the state. The Highlands Region, an area noted for its complex environmental attributes, extensive forests, streams and river valleys, scenic beauty and rugged topography providing critical wildlife habitats, is divided into a Preservation Area (415,000 ac.) and a Planning Area (444,000 ac.). The Highlands Region encompasses 88 municipalities and seven counties stretching from Mahwah to Phillipsburg. Perhaps most important, this area serves as a vital source of drinking water for approximately 65% of New Jersey residents.

The Highlands Water Protection and Planning Act (“Highlands Act”) established a plan conformance methodology in order to attain voluntary consistency between the Highlands Council Regional Master Plan (“RMP”) and local planning and zoning documents. The Oakland governing body has adopted two resolutions establishing official Borough policy to strive for and achieve plan conformance. Pursuant to the Highlands Act and the RMP, this is to be accomplished by adjusting local planning and land development procedures and regulations to the Regional Master Plan (“RMP”).

As a result of Oakland’s efforts, in May 2014, the Highlands Council approved Oakland’s petition for plan conformance. Several conditions attached to the Highlands Council resolution still remain unaddressed by the Borough. Once these last remaining items are completed, the Borough will have attained final plan conformance.

As part of its continuing Plan Conformance process, the Highlands Council has established revised Module 2, 3 and 7 programs. Module 2 updates the earlier municipal Build Out report as the earlier report was in some degree based upon local zoning as a limiting factor. Since Module 2 results are potentially useful in determining affordable housing obligations, it would be improper to use zoning limitations as a potentially limiting factor to growth and development. Module 3 is the preparation of an updated Housing Element and Fair Share Plan. Module 3 has taken on more urgency since the most recent Supreme Court Mount Laurel decision in March of 2015.

The Borough is actively participating in the Declaratory Judgment process established by the Supreme Court. The Superior Court judge reviewing Oakland’s affordable submissions has determined Oakland qualifies as a participating municipality and, on the progress Oakland has achieved to date, has extended Oakland’s period of immunity from exclusionary lawsuits. Module 7 is the Highlands Council implementation schedule. In early January Oakland completed the Module 2 update. After a review period, Oakland received a report from the Highlands Council detailing the amount and location of developable land in the community based upon criteria contained in the Regional Master Plan. The remaining Modules are tasks in various stages of completeness.

Despite the continuing uncertainty regarding affordable housing, the time to achieve final Highlands Council plan conformance is upon Oakland. To achieve this objective Oakland is required to take certain actions, including adoption a revised master plan element conforming to

the Highlands Council Regional Master Plan. In addition, the governing body is required to adopt revised development regulations which are at a minimum consistent with the goals, standards and requirements of the Regional Master Plan. Achieving final plan conformance approval from the Highlands Council will also require adoption of several other less significant land development regulations.

New Jersey adopted the Residential Site Improvement Standards (RSIS) several years ago. These standards, which apply only to residential development applications, are reviewed and updated periodically. Oakland should review locally adopted residential standards and insure there are no remaining conflicts with the RSIS. Conflicts, if any, should be resolved as Oakland is without authority to enforce standards that depart from RSIS.

To provide for a more efficient and coordinated approach, RSIS generated revisions to the zoning ordinance can be implemented simultaneously with the revisions necessary to finalize Highlands Council approval.

- d. Consistency between the Borough's land use objectives as defined and described in various Borough planning documents and the Borough's development regulations and zoning review of selected properties.

Oakland's zoning ordinance should be examined and revised as necessary to achieve consistency with the various recommendations and policy statements within the housing element and land use element of the master plan. This step is desirable since according to the Municipal Land Use Law, the provisions of the zoning ordinance are expected to effectuate the policies and recommendations contained within the land use element.

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 the application of certain zone districts to specific properties. Locations where the current zoning designation should be investigated include several parcels including but not limited to the Corporate Office zone as discussed earlier, a large parcel long the Ramapo River at the end of Spruce Street, Preakness Mountain south of Post Road and others distributed throughout the Borough. A comprehensive revision to the 1994 Land Use Element is needed and in fact is the appropriate vehicle for the zoning review herein recommended.

A second reason why the Zoning Ordinance should be comprehensively revised is to achieve consistency with the Zoning Map. According to the Oakland Zoning Ordinance, the Borough has been divided into 22 zones. A review of the Oakland Zoning Map, prepared by Civil Solutions, last revised on March 15, 2013, the Borough is divided into 24 zone districts. The Zoning Map and the Zoning Ordinance should agree on the number of zones in the Borough.

e. Creation of reasonable opportunities for the construction of affordable housing.

The Planning Board has approved the construction of an inclusionary development on property formerly within the Corporate Office Zone. The 40 acre McCoy Road farm is approved for a residential subdivision, 20% of the McCoy Farm dwellings will be deed restricted, marketed and priced to low-and moderate-income households. Earlier, in July 2007, the Planning Board approved the development of the Bi-County tract along the municipal boundary line with the Township of Wayne. Pursuant to a court approved settlement agreement, the developer of the Bi-County property is required to construct 50 affordable dwellings on this property.

The Borough has amended its zoning ordinance to encourage and require developers to produce affordable housing in a number of districts, typically in or near the commercial center of the community. In addition, the Borough has purchased property in the center of town in anticipation of the construction of municipally sponsored senior citizen housing.

Most recently, the Borough, in reaction to a March 2015 Supreme Court decision, has filed a Declaratory Judgement with the Law Division seeking continued immunity as the Planning Board prepares a new Housing Element.

All the above noted activities have demonstrated the desirability of preparing as a master plan element an updated Housing Element and Fair Share Plan ("HE&FSP"). A new HE&FSP prepared consistent with the Council on Affordable Housing Second Round rules and Highlands Council restrictions should be submitted as part of Oakland's petition to the Superior Court for Substantive Certification.

f. Borough's intention pertaining to the Oakland Industrial Park.

The Oakland Industrial Park consists of approximately 185 acres in the southeast corner of Oakland adjacent to the Borough of Franklin Lakes. The entire industrial park is located in the Highlands Council Planning Area. The industrial park has been subdivided into 39 lots, most of which have been developed for purposes and uses consistent and compatible with a light industrial park. Buildings in the industrial park, in some cases, date back to the late 1960's.

Generally speaking, institutional uses have been drawn to industrial park properties for reasons different than what draws industrial users. In at least one case, an institutional use built on vacant land. In other cases major renovation to the existing improvements, both building and septic were undertaken by the new user. Generally speaking but not universally, the need for parking for these institutional uses has been relatively modest.

Combining the lot area of the properties diverted from industrial park type uses already approaches 35 acres. This is a relatively large amount of acreage spread throughout the industrial park. One wonders how many more properties and acreage can be diverted prior to creating significant disruptions to the fabric of the park's operations.

The nature of industrial uses in the greater northeastern portion of the country is evolving. This is a long-standing trend which seems to be accelerating. As a result there are numerous buildings in the Oakland Industrial Park that are partially or completely vacant. It is noted that this issue of vacant light industrial office buildings is not unique to Oakland but is rather prevalent throughout northern New Jersey.

With the lack of viable light industrial users to occupy space, non-traditional users have been seeking Board of Adjustment use variance approval to occupy space in the industrial park. Primarily these new uses can be categorized into one of two groups. The first is commercial recreation. Five separate applications seeking to occupy space have been made. The commercial recreation users include physical therapy, health and fitness clubs and studios for gymnastics and dance. These uses share some common characteristics such as a need for open floor plan and relatively high ceilings. Generally, these area uses that don't generate a great amount of parking. After detailed presentations to the Zoning Board, each of these five commercial recreation uses were approved.

The second major use classification that has moved into the industrial park are institutional uses.

The Planning Board should undertake a detailed analysis of current conditions in the industrial park, examine trends in the light industrial marketplace and offer recommendations to the governing body concerning the type and intensity of future development in the Oakland Industrial Park. Upon completion of this detailed study, the Planning Board might reaffirm current thinking concerning appropriate uses for the park, or it might offer recommendations on how the industrial park might transition to remain viable.

One potential modification to the industrial park is to encourage the establishment of a health care facility campus on a significant portion of the existing industrial park. To encourage such use may require infrastructure enhancements, improvements to the local transportation network and adjustment to existing area and bulk requirements.

VII. RECOMMENDATIONS CONCERNING THE INCORPORATION OF REDEVELOPMENT PLANS INTO THE LAND USE PLAN ELEMENT AND RECOMMENDED CHANGES IN THE LOCAL DEVELOPMENT REGULATIONS NECESSARY TO EFFECTUATE THE REDEVELOPMENT PLANS OF THE MUNICIPALITY

In 1992, the Local Redevelopment and Housing Law (LRHL) was enacted into law. The LRHL replaced a number of former redevelopment statutes, including the Redevelopment Agencies Law, Local Housing and Redevelopment Corporation Law, Blighted Area Act, and Local Housing Authorities Law, with a single comprehensive statute. At the same time, the MLUL was also amended to require, as part of a master plan reexamination, that the issues raised in the LRHL be addressed.

The LRHL provides the statutory authority for municipalities to designate areas in need or “redevelopment”, prepare and adopt redevelopment plans, and implement redevelopment projects. Specifically, the governing body has the power to initially cause a preliminary investigation to determine if an area is in need of redevelopment, determine that an area is in fact in need of redevelopment, adopt a redevelopment plan, and/or determine that an area is in need of rehabilitation.

A planning board has the power to conduct, when authorized by the governing body, a preliminary investigation and hearing and make a recommendation as to whether an area is in need of redevelopment. The planning board is also authorized to make recommendations concerning a redevelopment plan, and prepare a plan as determined to be appropriate. The board may also make recommendations concerning a determination if an area is in need of rehabilitation.

The statute provides that “a delineated area may be determined to be in need of redevelopment if” after investigation, notice and hearing... the governing body of the municipality by resolution concludes that within the delineated area “any of the following conditions are found”:

- a. The generality of buildings are substandard, unsafe, unsanitary, dilapidated or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions;

- b. The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable;
- c. Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or portions of the municipality, or topography or nature of the soil, is not likely to be developed through the instrumentality of private capital;
- d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community;
- e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real property therein or other conditions, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare;
- f. Areas in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.
- g. In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act," P.L. 19833, c.303 (C.52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approved by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L.1992,c79 (C.40A:12A-5 and 40A:12A-6).
- h. The designation of the delineated area is consistent with smart growth planning principles adopted pursuant to law or regulation.

The statute defines redevelopment to include "clearance, replanning, development, and redevelopment; the conservation and rehabilitation of any structure or improvement, the construction and provision for construction of residential, commercial, industrial, public or other structure and the grant or dedication of spaces as may be appropriate or necessary in the interest of general welfare for streets, parks, playgrounds, or other public purposes, including recreation and other facilities incidental or appurtenant thereto, in accordance with a redevelopment plan." It is noteworthy that the statute specifically states that a

redevelopment area may include lands which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is necessary for the effective redevelopment of an area.

The review of the master plan and associated planning and zoning documents and land use patterns in the community indicates that it is not necessary at this time to utilize the Local Redevelopment and Housing Law to facilitate redevelopment in the community.

Recognizing the importance of redevelopment planning, the Highlands Council has adopted a redevelopment planning process of its own which is distinct from the process established by the Local Redevelopment and Housing Law.

There are significant land use, environmental and infrastructure benefits associated with Highland Council redevelopment activities. Development of "greenfield" sites typically involves tree removal, disturbance of soil and steep slopes, importation or exportation of fill, a reduction in pervious surfaces and an increase in impervious surfaces. For these reasons and others, the Highlands Council recommends development of previously developed sites.

The West Oakland Industrial Park consists of approximately 155 acres organized into 27 lots developed along the New York Susquehanna and Western Railroad main line. The Highlands Act locates this area within the Preservation Area of the Highlands Region. This industrial park is characterized by multi-acre parcels. It is reported that the soils in the area are not conducive to the installation of septic systems. This septic limitation has had negative consequences on the development potential of properties located in the West Oakland Avenue Industrial Park. Many of these properties would be ripe for updated development activities if there were an acceptable means of treating and disposing of domestic waste. This job producing area of the community clearly needs access to sanitary sewers in order to develop to its full economic potential.

East of West Oakland Avenue still within the Highlands Preservation Area is a large residential community of approximately 130 properties located within the Ramapo River floodplain named Pleasureland. This residential neighborhood is characterized by construction of smaller homes many of which were originally summer bungalows before being converted to year round dwellings. Most of the properties in this neighborhood are quite small. This neighborhood presently is not served by sanitary sewers. Many, if not most, of these dwellings do not have satisfactory means of treating and discharging domestic waste. This lack of suitable sanitary conditions has negative ramifications on the environment as the local ground water table is very high. There is also potential for negative implications for public health. This residential neighborhood clearly needs access to sanitary sewers.

East of the residential neighborhood described above are commercial properties along the southern stretch of Ramapo Valley Road leading from Wayne Township to the intersection with Post Road. Like the properties described above, these properties are in the Highlands Preservation Area. A number of significant

commercially developed properties have a history of operational problems with individual on-site sanitary systems.

Extension of sewer service into the Highlands Council Preservation Area is severely limited by the Highlands Act and RMP. One of the exemptions to this limitation is a declaration that the area is a redevelopment area. A second basis upon which sewer service can be extended into the Preservation Area is if such extension is necessary to protect the public health and safety.

Oakland should petition the Highlands Council for a declaration that these areas qualify as a redevelopment area or areas. In the alternative, Oakland should petition the Highlands Council that extension of sewer service is necessary to protect the public health and safety. The Oakland Health Department did an extensive review of its files on Pleasureland septic systems. The Health Department report indicated that 3 systems were compliant with current regulations designed to protect human health and the environment.