

**BOROUGH OF EAST RUTHERFORD PLANNING BOARD
RESOLUTION NO. 25-03**

WHEREAS, the Borough of East Rutherford (hereinafter the “Borough” or “East Rutherford”) secured approval of a Housing Element and Fair Share Plan for Round 3 and the judge entered a Judgment of Repose, dated November 15, 2024, memorializing its approval of that plan; and

WHEREAS, the Borough wishes to secure approval of a Housing Element and Fair Share Plan for Round 4; and

WHEREAS, in March of 2024, Governor Murphy signed an amendment to the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 et seq. (hereinafter “FHA II”) which established a procedure by which a municipality could secure approval of a Housing Element and Fair Share Plan for Round 4; and

WHEREAS, that procedure contemplated that municipalities would adopt a resolution by January 31, 2025 committing to a fair share number and filing a declaratory relief action within 48 hours from adoption of the resolution and then filing an adopted Housing Element and Fair Share Plan by June 30, 2025 within 48 hours after adoption with the Affordable Housing Dispute Resolution Program (the “Program”); and

WHEREAS, in accordance with this procedure, the Borough adopted a resolution by January 31, 2025 committing to a fair share number and filing a declaratory relief action within 48 hours from adoption of the resolution; and

WHEREAS, the Round 4 Prospective Need number to which the Borough committed was subject to challenge which resulted in a Mediation Agreement setting the Round 4 Prospective need at 393, subject to appropriate adjustments; and

WHEREAS, the Borough’s affordable housing planning consultant, Spach Trahan P.P., A.I.C.P, of Phillips Preiss Grygiel Leheny Keller, LLC, has prepared a Housing Element and Fair Share Plan to address the Borough’s affordable housing obligations for Round 4; and

WHEREAS, the Borough now wishes for the East Rutherford Planning Board to consider adopting the Housing Element and Fair Share Plan and then filing the duly adopted Housing Element and Fair Share Plan with the Affordable Housing Dispute Resolution Program (the “Program”) within 48 hours after adoption; and

WHEREAS, in accordance with the provisions of N.J.S.A. 40:55D-13 of the MLUL, the Planning Board scheduled a public hearing on the Housing Element and Fair Share Plan for June 2, 2025 at 7:00 p.m. at Council Chambers of Municipal Building, One Everett Place, Second Floor, East Rutherford, New Jersey, 07073; and

WHEREAS, in accordance with the provisions of N.J.S.A. 40:55D-13 of the MLUL, the Planning Board published a notice of this public hearing in the Borough’s official newspaper at least ten days before the scheduled date for the public hearing and served a copy of this notice upon the clerks of all municipalities adjoining the Borough, upon the clerk of the County Planning Board, and upon the New Jersey Office of Planning Advocacy; and

WHEREAS, a copy of the Housing Element and Fair Share Plan was placed on file with the Planning Board Secretary and was available for public review at least ten days before the scheduled date for the public hearing; and

WHEREAS, upon notice duly provided pursuant to N.J.S.A. 40:55D-13, the Planning Board held a public hearing on the Housing Element and Fair Share Plan on June 2, 2025; and

WHEREAS, at the public hearing, Spach Trahan P.P., A.I.C.P, provided professional planning testimony regarding the HEFSP and the Board provided members of the public with the opportunity to provide their comments about the plan.

WHEREAS, the Planning Board determined that the attached Housing Element and Fair Share Plan is consistent with the goals and objectives of the current Master Plan of East Rutherford, and that adoption and implementation of the plan is in the public interest and protects public health and safety and promotes the general welfare.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of East Rutherford , County of Bergen, State of New Jersey, that the Planning Board hereby adopts the Housing Element and Fair Share Plan attached hereto.

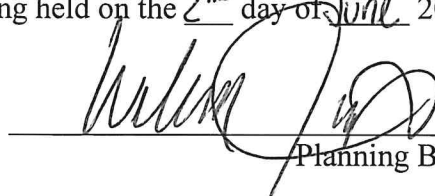
NOW, THEREFORE, BE IT RESOLVED by the Planning Board hereby directs the affordable housing attorney for East Rutherford to file the duly adopted Housing Element and Fair Share Plan with the Program, an entity created by the Amended FHA, within 48 hours of adoption and present the duly adopted Housing Element and Fair Share Plan to East Rutherford for endorsement.

BE IT FURTHER RESOLVED that Affordable Housing Counsel is authorized to pursue approval of the Housing Element and Fair Share Plan and submit such additional documents as may be necessary or desirable in an effort to secure such approval.


Chairman of the Planning Board

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Planning Board of the East Rutherford at a regular meeting held on the 2nd day of June, 2025.


Planning Board Secretary

FOR: 3

AGAINST: 2

ABSTAIN: 0

Board Members Eligible to Vote: 5