

**RESOLUTION
KENILWORTH, NJ**

**RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF
KENILWORTH ENDORSING A FOURTH ROUND HOUSING ELEMENT
AND FAIR SHARE PLAN**

WHEREAS, on March 20, 2024, Governor Murphy signed into law P.L. 2024, c.2, which amended the 1985 New Jersey Fair Housing Act (hereinafter the “Amended FHA”); and

WHEREAS, the Borough adopted a “binding resolution” accepting the DCA-calculated Present Need and Prospective Need, as required by the Amended FHA, on January 15, 2025, establishing its Fourth Round Present Need of 35 and Prospective Need of 208; and

WHEREAS, in accordance with the Amended FHA and the Administrative Office of the Court’s Directive No. 14-24, the Borough filed a timely Fourth Round Declaratory Judgment complaint (“DJ Complaint”) with the Court and the Affordable Housing Dispute Resolution Program (“the Program”), along with its binding resolution, on January 16, 2025; and

WHEREAS, the filing of the DJ Complaint gave the Borough automatic, continued immunity from all exclusionary zoning lawsuits, including builder’s remedy lawsuits, which is still in full force and effect; and

WHEREAS, the Borough did not receive any objections to its Present and Prospective Need Obligations by February 28, 2025, resulting in the statutory automatic acceptance of the Borough’s Fourth Round obligations on March 1, 2025; and

WHEREAS, on March 27, 2025, the Court entered an order establishing the Borough’s Fourth Round Present Need of 35 and Prospective Need of 208; and

WHEREAS, the Amended FHA requires a municipality to adopt and file a Fourth Round Housing Element and Fair Share Plan by June 30, 2025; and

WHEREAS, in accordance with the Amended FHA, the Borough’s affordable housing planner drafted a Fourth Round Housing Element and Fair Share Plan, which is attached hereto as Exhibit A; and

WHEREAS, the Borough’s Fourth Round Housing Element and Fair Share Plan identified the Former National Tool Site, consisting of five (5) properties, located at 120 North 13th Street (Block 56, Lot 9.01), 234 North 12th Street (Block 58, Lot 4), 109 North 10th Street (Block 59, Lot 1), 50 Washington Avenue (Block 59, Lot 2), and 56 Washington Avenue (Block 59, Lot 3), as a site that is likely to redevelop and contributing towards the satisfaction of the Borough’s Fourth Round Unmet Need; and

WHEREAS, the Borough Planning Board held a meeting on June 24, 2025, during which the Board heard Application #24-006 from North Holdings NY, LLC, which sought site plan approval for new loading bays proposed at 109 North 10th Street (Block 59, Lot 1), which is a property included in the Former National Tool Site and the Borough’s Fourth Round Housing Element and Fair Share Plan; and

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WHEREAS, during the June 24, 2025 meeting, the Planning Board granted site plan approval to North Holdings NY, LLC to construct new loading bays at 109 North 10th Street (Block 59, Lot 1), thereby continuing the existing use of warehousing on the site and rendering this site no longer viable to contribute to the satisfaction of the Borough's Fourth Round Unmet Need; and

WHEREAS, for the above mentioned reasons, the Planning Board recommended during the meeting that the Former National Tool Site be removed from the Borough's Fourth Round Housing Element and Fair Share Plan and that the Borough Council and Borough Planning Board collaborate to identify a more appropriate site to address the Borough's Unmet Need that shall provide at least the same number of affordable housing units that was previously proposed for the Former National Tool Site; and

WHEREAS, during the June 24, 2024 meeting, the Planning Board also held a public hearing on the Fourth Round Housing Element and Fair Share Plan and adopted the Fourth Round Housing Element and Fair Share Plan via a resolution on that same night, and both were subsequently filed with the Program and the Court within 48 hours of adoption; and

WHEREAS, the Borough Council wishes to endorse the Fourth Round Housing Element and Fair Share Plan that was adopted by the Planning Board.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Borough of Kenilworth, County of Union, State of New Jersey, as follows:

1. The Borough Council hereby endorses the Fourth Round Housing Element and Fair Share Plan attached hereto as Exhibit A, which was adopted by the Borough's Planning Board on June 24, 2025, subject to the removal of the Former National Tool Site as a property contributing to the Borough's Unmet Need.
2. The Borough Council hereby directs the Borough's Affordable Housing Counsel to seek Program and Court approval of the Fourth Round Housing Element and Fair Share Plan via a Compliance Certification, and to take whatever actions authorized by the Governing Body to maintain the Borough's immunity from all Mount Laurel exclusionary zoning lawsuits.
3. The Borough reserves the right to further amend the Fourth Round Housing Element and Fair Share Plan during the plan approval process before the Program and the Court.

	MOVED	SECONDED	YES	NAYS	ABSTAIN	ABSENT
Councilman Patrick Boyle			X			
Councilman Joseph Finistrella						X
Councilwoman Toni Giordano Picerno		X	X			
Councilman William Mauro			X			
Councilman Douglas Piper			X			
Councilman Savino Scorese	X		X			
Mayor Linda Karlovitch						
ON CONSENT AGENDA	Yes		No	X		

I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Kenilworth at a Meeting held on July 2, 2025.


Laura Reinertsen, Borough Clerk

