

HOUSING ELEMENT AND FAIR SHARE HOUSING PLAN

BOROUGH OF KENILWORTH



June 2025

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The original of this report was signed and sealed in accordance with N.J.S.A. 45:14A-12.

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TABLE OF CONTENTS

I. INTRODUCTION

II. FOURTH ROUND HOUSING ELEMENT

- A. OVERVIEW
- B. AFFORDABLE HOUSING HISTORY PRIOR TO THE FOURTH ROUND
- C. FOURTH ROUND OF AFFORDABLE HOUSING BACKGROUND
- D. FOURTH ROUND METHODOLOGY
- E. MUNICIPAL DETERMINATION OF FOURTH ROUND PRESENT NEED AND PROSPECTIVE NEED OBLIGATIONS
- F. VACANT LAND ADJUSTMENT
- G. HOUSING, DEMOGRAPHIC AND EMPLOYMENT INFORMATION
 - 1. Analysis of Population and Demographics
 - 2. Analysis of Housing Characteristics
 - 3. Analysis of Employment Characteristics
 - 4. Projection of Borough Housing Stock
 - 5. Consideration of Lands of Developers Who Have Expressed a Commitment to Affordable Housing
 - 6. Consistency with State Plan and Redevelopment Plan

III. FOURTH ROUND FAIR SHARE PLAN

- A. SATISFACTION OF COMPLIANCE MECHANISMS PRIOR TO THE FOURTH ROUND
- B. FOURTH ROUND PLAN COMPLIANCE MECHANISMS
- C. SITES FOR INCLUSIONARY DEVELOPMENT
- D. AFFORDABLE HOUSING ORDINANCE AND AFFIRMATIVE MARKETING PLAN
- E. SPENDING PLAN AND AFFORDABILITY ASSISTANCE MANUAL
- F. CONCLUSION

IV. APPENDICES

APPENDICES

APPENDIX A. Fourth Round Vacant Land Adjustment for the Borough of Kenilworth with Attached Exhibits, dated June 2025.

APPENDIX B. Borough Council Resolution No. 25-67 “Committing to Fourth Round Present and Prospective Need Affordable Housing Obligations,” dated January 15, 2025.

APPENDIX C. Court Order Fixing Municipal Obligations for “Present Need” and “Prospective Need” for the Fourth Round Housing Cycle for the Borough of Kenilworth signed by Hon. Daniel R. Lindemann, J.S.C., entered on March 27, 2025.

APPENDIX D. Borough of Kenilworth Declaratory Judgement Complaint, Docket No. UNN-L-000235-25, filed January 16, 2025.

APPENDIX E. 25 North 26th Street Redevelopment Plan, prepared by Harbor Consultants, Inc. and dated March 2021.

APPENDIX F. Borough Council Resolution No. 2021-07 Adopting the 25 North 26th Street Redevelopment Plan for the Delineated Redevelopment Area Consisting of Block 183, Lot 9, for the Development of Inclusionary Affordable Housing

APPENDIX G. DRAFT Affordable Housing Ordinance

APPENDIX H. DRAFT 2025-2035 Spending Plan.

APPENDIX I. DRAFT Ordinance Adopting an Overlay Zone for North Michigan Avenue Area (Block 183, Lots 1-8 and 10, Block 184.A, Lot 1, Block 87, Lots 1-9, Block 88, Lots 1-11, and Block 124, Lots 1-10).

APPENDIX J. DRAFT Ordinance Adopting an Overlay Zone for Market Street (Block 128, Lots 1-3, Block 131, Lots 1-3, Block 130, Lots 2 and 3, Block 179, Lot 6, Block 156, Lots 1-5, and Block 177, Lots 1-5).

APPENDIX K. DRAFT Ordinance Adopting an Overlay Zone for Former National Tool Site (Block 56, Lot 9.01, Block 58, Lot 4, and Block 59, Lots 1-3).

APPENDIX L. February 2024 AHTF Monitoring.

APPENDIX M. February 2025 AHMS Submittal.

THE BOROUGH OF KENILWORTH FOURTH ROUND HOUSING ELEMENT AND FAIR SHARE PLAN

I. INTRODUCTION

This document is presented in two parts; which include (i) the Borough of Kenilworth Master Plan Housing Element and (ii) the Borough of Kenilworth Fair Share Plan. This Housing Element and Fair Share Plan addresses the Borough's compliance with the Municipal Land Use Law ("MLUL"), relevant Uniform Housing Affordability Controls ("UHAC") regulations, the requirements of the Uniform Housing Affordability Controls ("UHAC") regulations, the requirements of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301 et seq.) as amended by the A4/S50 legislation signed into law on March 20, 2024, and other applicable law.

The Master Plan Housing Element will examine the Borough's demographics, population, and employment characteristics, along with the housing stock and development trends throughout the decades. A Housing Plan, according to the MLUL N.J.S.A. 40:55D-28b(3), must include, but is not limited to, residential standards and proposals for the construction and improvement of housing. According to N.J.S.A. 52:27D-310, the Housing Element shall contain at least the following:

- An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated and in conducting this inventory the municipality shall have access, on a confidential basis for the sole purpose of conducting the inventory, to all necessary property tax assessment records and information in the assessor's office, including but not limited to the property record cards;
- A projection of the municipality's housing stock, including the probable future construction of low and moderate housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands;
- An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level and age;
- An analysis of the existing and probable future employment characteristics of the municipality;
- A determination of the municipality's present and prospective fair share for low and moderate income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing as established pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1);
- A consideration of the lands that are most appropriate for the construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing;
- An analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal of preserving multigenerational family continuity as expressed in the recommendations of the Multigenerational Family Housing Continuity Commission, adopted

pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021, c.273 (C.52:27D-329.20);

- For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), an analysis of compliance of the housing element with the Highlands Regional Master Plan of lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities. This analysis shall include consideration of the municipality's most recent Highlands Municipal Build Out Report, consideration of opportunities for redevelopment of existing developed lands into inclusionary or 100 percent affordable housing, or both, and opportunities for 100 percent affordable housing in both the Highlands Planning Area and Highlands Preservation Area that are consistent with the Highlands regional master plan; and
- An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.

The Fourth Round Housing Element and Fair Share Plan will address the plan to meet Kenilworth's fair share obligation for the Fourth Round as settled and committed to by Resolution No. 25-67 adopted by Borough Council on January 15, 2025 (see *Appendix B*) and affirmed by the Court Order signed by Hon. Daniel R. Lindemann, J.S.C., dated March 27, 2025 (see *Appendix C*). The Housing Element and Fair Share Plan is part of the Borough of Kenilworth's request to acquire a compliance certification from the Affordable Housing Dispute Resolution Program ("the Program") and will include the projects and strategies addressing Kenilworth's affordable housing obligations.

II. BOROUGH OF KENILWORTH FOURTH ROUND HOUSING ELEMENT

A. OVERVIEW

This Fourth Round Housing Element and Fair Share Plan has been prepared in response to the requirements set forth in the amendments to the Fair Housing Act known as Bill A4/S50 ("FHA Amendments") signed into law on March 20, 2024. The law reformed municipal responsibilities regarding the provision of affordable housing for the fourth round and beyond in 10-year rounds of housing obligations beginning on July 1, 2025. The changes and regulations for the FHA Amendments are further explained in Section II.C and Section II.D below.

In accordance with the Municipal Land Use Law ("MLUL") at N.J.S.A. 40:55D-28b(3), this Fourth Round Housing Element and Fair Share Plan ("HEFSP") has been prepared pursuant to N.J.S.A. 52:27D-310, which specifies that the HEFSP must include a "determination of the municipality's present and prospective fair share for low- and moderate-income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low- and moderate-income housing, as established pursuant to section 3 of P.L.2024, c.2 (N.J.S.A. 52:27D304.1)." In accordance with the requirements of section 3 of P.L.2024, c.2 (N.J.S.A. 52:27D-304.1) this Fourth Round Housing Element and Fair Share Plan addresses its affordable housing obligations for the Prior Round, the Third Round, and the Fourth Round. The Borough's Fourth Round numbers have been established via the Borough resolution adopted on January 15, 2025 (see *Appendix B*) and memorialized by the Court on behalf of the Program in its Order dated March 27, 2025 (see *Appendix C*). The Fourth Round Housing Element and Fair Share Plan has also been prepared to comply with all requirements of the FHA, applicable COAH and UHAC regulations, and relevant Mount Laurel case law.

B. AFFORDABLE HOUSING HISTORY PRIOR TO THE FOURTH ROUND

New Jersey affordable housing law began with the New Jersey Supreme Court's creation of the Mount Laurel doctrine in its landmark case, So. Burl. Cty. N.A.A.C.P. v. Tp. of Mt. Laurel, 67 N.J. 151 (1975) also known as "Mount Laurel I". In Mount Laurel I, the Supreme Court decided that under the State Constitution, each municipality "must, by its land use regulations, make realistically possible the opportunity for an appropriate variety and choice of housing for all categories of people who may desire to live there", including those of low and moderate income. Thus, the Mount Laurel I decision prohibits municipalities from using zoning powers to prevent the potential for the development of affordable housing.

Displeased with progress under its earlier decision, in 1983, the NJ Supreme Court decided So. Burlington Ct. N.A.A.C.P. v. Mount Laurel Tp., 92 N.J. 158 (1983) or "Mount Laurel II". Because the Legislature had not yet acted to implement the holding in Mount Laurel I, the Court in Mount Laurel II fashioned a judicial remedy, now commonly referred to as a "Builder's Remedy". That remedy created a special process by which builders could file suit against a municipality for the opportunity to construct housing at much higher densities than a municipality otherwise would allow, creating affordable housing in the process. In essence, Builder's Remedy lawsuits seek to force towns to meet their affordable housing obligations.

Responding to the chaos created by the implementation of the Supreme Court's Mount Laurel decisions and the many Builder's Remedy lawsuits that followed, the State Legislature passed the Fair Housing Act (hereinafter "FHA") in 1985, which the Supreme Court upheld in (Hills Dev. Co. v. Bernards Twp., 103 N.J. 1 (1986) or "Mount Laurel III").

The FHA created COAH, and required COAH to (1) enact regulations that established the statewide affordable housing need, (2) assign to each municipality an affordable housing obligation for its designated region and (3) identify the techniques available to municipalities to meet its assigned obligation. The FHA included a process for municipalities to obtain Substantive Certification, which, if granted by COAH, would protect municipalities against Builder's Remedy lawsuits, or a lawsuit from a housing advocate, for a defined period of time. The FHA also transferred pending Builder's Remedy litigation to COAH for resolution through an administrative process, and established a process for bringing municipalities into compliance.

To implement the FHA requirements, COAH adopted a series of regulations. Round One regulations were enacted in 1987. Round 2 regulations were adopted by COAH in 1994. Round 3 regulations were supposed to be adopted in 1999 when the Round 2 rules were set to expire, but the first iteration of Round 3 rules were not adopted by COAH until 2004.

In 2007, the Appellate Division affirmed portions of COAH's 2004 Round 3 rules, but invalidated other aspects of them. See In Re Adoption of N.J.A.C. 5:94 & 5:95, 390 N.J. Super. 1 (App. Div. 2007). The opinion remanded the matter to COAH for adoption of new compliant regulations, and gave the agency six months to do so. The Appellate Division granted COAH two extensions, and COAH finally adopted a second set of Round 3 rules in September of 2008. Many municipalities submitted Round 3 affordable housing plans to COAH and to courts for approval in December of 2008 in response to the new third round rules. Indeed, Berkeley Heights Township petitioned COAH for approval of a Round 3 affordable housing plan on December 31, 2008.

On October 8, 2010, the Appellate Division concluded that COAH's revised 2008 regulations suffered from many of the same deficiencies as the first set of Round 3 rules, and it invalidated substantial portions of the 2008 Round 3 regulations again. See In re Adoption of N.J.A.C. 5:96 & 5:97, 416 N.J. Super. 462 (App. Div. 2010). The Court specifically directed COAH to use a methodology for determining prospective affordable housing needs similar to the methodologies used in the prior rounds.

During this same time period, Governor Christie initiated a series of steps to abolish or reduce the role of COAH. During this time period the Legislature introduced a Bill, which would have radically transformed the affordable housing world. The S-1 Bill in its initial form was supported by Governor Christie. By the time it went through the Assembly, however, a very different bill passed and the Governor conditionally vetoed the Bill.

Frustrated with the lack of movement by COAH to adopt updated Round 3 rules, the Supreme Court issued an order on March 14, 2014, which required COAH to adopt new Round 3 regulations by October 22, 2014. COAH proposed the third version of Round 3 regulations on April 30, 2014. However, in October of 2014, the COAH Board deadlocked 3-3 when voting to approve the regulations and the rules were not adopted.

In response, on March 10, 2015, the Supreme Court issued its decision In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (Mount Laurel IV), in which it (1) found that COAH had violated the March 14, 2014 Order by failing to adopt new Round 3 regulations by October 22, 2014; (2) held that, without new Round 3 regulations, COAH could not process municipalities' petitions for substantive certification; (3) directed trial courts to assume COAH's functions; (4) authorized municipalities under COAH's jurisdiction to file Declaratory Judgment Actions along with a motion for Temporary Immunity by July 8, 2015, or risk exposure to Builder's Remedy lawsuits; and (5) ruled that municipalities would have to prepare and file a Housing Element and Fair Share Plan with a trial court for review. The Supreme Court declined to determine fair share allocations, however, instead assigning this task to the trial court judges with the directive that they use a methodology similar to that used in COAH's first and second round Rules.

No objections to the Borough's adopted Round 4 obligations were received by the statutory deadline of February 28, 2025, so according to the FHA Amendments, the Borough's adopted obligations set forth in its binding resolution are automatically set as the Borough's Round 4 obligations. In an Order dated March 27, 2025, the Court memorialized the Borough's present and prospective need obligations on behalf of the Program, therefore setting the Borough's prospective need at 208 and its present need (also known as rehabilitation obligation) at 35 (see Appendix C).

C. FOURTH ROUND OF AFFORDABLE HOUSING BACKGROUND

On March 20, 2024, Governor Murphy signed the FHA Amendments into law. The FHA Amendments established new guidelines for determining and regulating the affordable housing obligations of New Jersey municipalities for the Fourth Round and subsequent 10-year rounds as mandated by the Mount Laurel Doctrine and the FHA. This section outlines the key provisions instituted by the FHA Amendments.

Major Items of the FHA Amendments

- The Council on Affordable Housing (“COAH”) is abolished, and its regulatory powers and functions are transferred to the Department of Community Affairs (“DCA”) and the Administrative Office of Courts (“AOC”).
- The DCA is responsible for calculating the regional need and municipal present and prospective fair share obligation for each municipality using the methodology established in sections 6 and 7 of P.L.2024, c.2. The March 8, 2018, Superior Court, Law Division, Mercer County, In re Application of Municipality of Princeton (also known as the “Jacobson opinion”) serves as the basis for any datasets or methodologies not directly addressed in the FHA Amendments. This Fourth Round methodology is further explained in Section II.E below.
- Per N.J.S.A. 52:27D-302, as amended, “the changes made to affordable housing methodologies, obligations, and fair share plans, as determined to be a necessity by the Legislature, through the enactment of [P.L.2024, c.2] are made with the intention of furthering consistency with the State Development and Redevelopment Plan.”
- A municipality will still be permitted to conduct a vacant land adjustment (“VLA”).
- A municipality may take into consideration the DCA calculations in determining its present and prospective need obligations, but the DCA calculations are not binding on any municipality. Each municipality establishes its own obligation number, and a municipality may deviate from DCA’s calculations in determining its obligation, provided that it adheres to the methodology established by the FHA Amendments.
- The Affordable Housing Dispute Resolution Program (“Program”) is established within the AOC and is responsible for handling any dispute regarding a municipality’s determination of and/or compliance with its fair share obligation. The Administrative Director of the Courts makes appointments to the Program, which consists of 3-7 retired Mount Laurel judges. These judges include Hon. Thomas C. Miller (chair), Hon. Ronald E. Bookbinder, Hon. Thomas F. Brogan, Hon. Stephan C. Hansbury, Hon. Mary C. Jacobson, Hon. Julio L. Mendez, and Hon. Paulette M. Sapp-Peterson.
- The availability of bonus credits has been expanded but credits remain capped. Notable credit provisions include:
 - More than one type of bonus credit may not be received for the same unit.
 - A maximum of 25% of a municipality’s prospective need obligation may be satisfied by bonus credits.
 - The rental bonus credit is eliminated.
 - A summary of the types of bonus credits is provided in the table below:

Table 1: Fourth Round Bonus Credits	
Description	Bonus
Special Needs or Supportive Housing Units	1.0 bonus credit for each unit of low- or moderate-income housing for individuals with special needs or permanent supportive housing.
100% Affordable Developments with Municipal Contribution of Land or Funds	1.0 bonus credit for each unit of low- or moderate-income housing in a 100% affordable housing project for which the municipality contributes to the cost of the project. This contribution can either be real property or contributions from the municipal affordable housing trust fund that covers no less than 3% of the project costs.

Market-to-Affordable	1.0 bonus credit for each unit of low- or moderate-income housing created by transforming an existing rental or ownership unit from market rate to affordable. A municipality may only rely on this bonus credit as part of its fair share plan and housing element if the municipality demonstrates that a commitment to follow through with this market to affordable agreement has been made and: (a) this agreement has been signed by the property owner; or (b) the municipality has obtained ownership of the property.
Non-Profit Partnership for For-Sale Housing	0.5 bonus credit for each unit of low- or moderate-income ownership unit created in partnership with a non-profit housing developer.
Proximity to Transit	0.5 bonus credit for each unit of low- or moderate-income housing located within a 0.5 mile radius (or 1 mile radius if located in a Garden State Growth Zone) surrounding a NJ Transit Corporation, Port Authority Transit Corporation, or Port Authority Trans-Hudson Corporation rail, bus, or ferry station, including all light rail stations.
Redevelopment	0.5 bonus credit for each unit of low- or moderate-income housing constructed on land that is or was previously developed and utilized for retail, office, or commercial space.
Age-Restricted Units (with 10% Cap)	0.5 bonus credit for a unit of age-restricted housing (Bonus credit only applicable to 10% of all age-restricted housing built that count towards the municipality's affordable housing obligation).
Family Housing	0.5 bonus credit for each unit of low- or moderate-income family housing with at least three bedrooms above the minimum number required by the bedroom distribution. This bonus credit shall be calculated by taking into account the full municipal fair share plan and housing element, and the number of units with at least three bedrooms required for projects satisfying the minimum 50 percent family housing requirements.
Very Low-Income Units Beyond Minimum	0.5 bonus credit for each unit of very low-income housing for families above the 13% of units required to be preserved for very low-income housing.
Extension of Affordability Controls	0.5 bonus credit for each existing low- or moderate-income rental housing unit for which affordability controls are extended for a new term, and the municipality contributes funding towards the costs necessary for this preservation.

- A municipality must adopt and file with the Program a Housing Element and Fair Share Plan and drafts of the appropriate zoning and other ordinances and resolutions implementing its present and prospective obligation by June 30, 2025. The Housing Element and Fair Share Plan must assess the degree to which the municipality has complied with its obligations for the prior three rounds and determine whether the municipality has credits in excess of its prior round obligations. If any units are determined to be unfulfilled from prior rounds, the Plan must address how this unmet obligation will be fulfilled, as well as explain how it plans to meet its Fourth Round obligation. The Plan must also include a spending plan for current funds in the municipal affordable housing trust fund and projected funds towards the round.

- The law establishes several limitations to how units may be counted towards fulfilling a municipality's fair share obligation:
 - A maximum of 30% of the units counted toward the prospective need obligation may be age-restricted units, exclusive of bonus credits.
 - A minimum of 50% of the units used toward the prospective need obligation, exclusive of bonus credits, must be available to families with children.
 - A minimum of 25% of the units used toward the prospective need obligation, exclusive of bonus credits, must be rental units and at least half of that number must be available to families with children.
 - A minimum of 13% of affordable housing units must be available to very low-income households and at least half of that number must be available to families with children.
 - A maximum of 10% of a municipality's fair share obligation may be counted by transitional housing credits.
 - A municipality may lower its prospective need obligation to prevent an obligation of more than 1,000 housing units or a number exceeding 20% of the total number of households in the municipality.
 - The law increases the minimum period requiring affordability controls to 40 years for rental units and maintains a 30-year period for for-sale units. The minimum requirement for affordability controls cannot be reduced.
- The law establishes new development fee collection, expenditure, and monitoring rules.
- The amended FHA also establishes many deadlines, including but not limited to, the submission of a Fourth Round Housing Element and Fair Share Plan by June 30, 2025, and any objections being filed by August 31, 2025.

D. FOURTH ROUND METHODOLOGY

Per N.J.S.A. 52:27D-304.1.d, "For the fourth round of affordable housing obligations, the [Department of Community Affairs] shall prepare and submit a report to the Governor, and, pursuant to [N.J.S.A. 52:14-19.1], to the Legislature providing a report on the calculations of regional need and municipal obligations for each region of the State within the earlier of seven months following the effective date of P.L.2024, c.2 (N.J.S.A. 52:27D-304.1 et al.) or December 1, 2024." On October 18, 2024, the Department of Community Affairs (DCA) released a report titled "Affordable Housing Obligations for 2025-2035 (Fourth Round) Methodology and Background," inclusive of a calculation spreadsheet, which detailed the datasets and calculations used to generate the affordable housing obligation for each municipality within New Jersey for the Fourth Round. Per this report, the Borough of Kenilworth was calculated to have a present need of 35 units and a prospective need of 208 units for the Fourth Round. The subsections below outline the methodology for calculating the Borough's Fourth Round affordable housing obligation per the DCA report and in accordance with the FHA Amendments.

Present Need

Per the FHA Amendments, "A municipality's present need obligation shall be determined by estimating the existing deficient housing units currently occupied by low- and moderate-income households within the municipality, following a methodology comparable to the methodology used to determine third round present need, through the use of datasets made available through the federal decennial census and the American Community Survey, including the Comprehensive Housing Affordability Strategy dataset thereof" (N.J. Stat. § 52:27D-304.2). P.L.2024, c.2 further defines

“deficient housing units” as “housing that: (1) is over fifty years old and overcrowded; (2) lacks complete plumbing; or (3) lacks complete kitchen facilities” (N.J.S.A. 52:27D-304).

In the Third Round, municipal present need calculations were based on the number of housing units lacking complete kitchen facilities, the number of units lacking complete plumbing facilities, and the number of overcrowded units. The present need calculations for the Fourth Round conducted by the DCA similarly use datasets measuring these three factors, but as explained in their report, “The US Department of Housing and Urban Development (HUD) and the US Census Bureau publish separate tables on housing age, lack of plumbing facilities, lack of kitchen facilities, and overcrowding. However, there is no data source that reports the number of units that meet any one of those three conditions. Therefore, this number must be estimated using data from existing tables, with measures taken to account for overlap and to narrow the scope to deficient housing units occupied by low- and moderate-income [(LMI)] households.” The DCA therefore used a combination of the latest data from HUD’s Comprehensive Housing Affordability Strategy (CHAS) LMI dataset corresponding to the latest Census Bureau American Community Survey (ACS) data (which was 2017-2021 5 Year Estimates at the time of the report’s release), data from the IPUMS Center for Data Integration, and the ACS Public Data Microdata Sample (PUMS) at the Public Use Microdata Area (PUMA) level to estimate the number of substandard/deficient low- and moderate-income occupied units (“present need”) for each municipality in New Jersey.

Per the methodology outlined above and described in further detail in the DCA report, the Fourth Round present need obligation for the Borough of Kenilworth was calculated as 35.

Prospective Need

The statewide obligation for the Fourth Round has been calculated as 84,698. This obligation is distributed among the State’s municipalities, excluding Qualified Urban Aid municipalities.

As described in the FHA Amendments and summarized in the DCA report, a municipality’s Fourth Round prospective need obligation is calculated by multiplying its average allocation factor to the total prospective need of its corresponding Housing Region.

Per the FHA Amendments, the State is broken into six regions as follows:

Housing Region	Counties
1	Bergen, Hudson, Passaic, and Sussex
2	Essex, Morris, Union, and Warren
3	Hunterdon, Middlesex, and Somerset
4	Mercer, Monmouth, and Ocean
5	Burlington, Camden, and Gloucester
6	Atlantic, Cape May, Cumberland, and Salem

The average allocation factor is the average of three measures indicative of a municipality’s capacity/potential to address the regional prospective need: the equalized nonresidential valuation factor, the income capacity factor, and the land capacity factor.

The Fourth Round prospective need for each Housing Region is determined by calculating the change in the number of households within each Housing Region between the 2010 Census and 2020 Census. Per the FHA Amendments, “this household change, if positive, shall be divided by 2.5 to estimate the number of low- and moderate-income homes needed to address low- and moderate-

income household change in the region and to determine the regional prospective need for a 10-year round of low- and moderate-income housing obligations. If household change is zero or negative, the number of low- and moderate-income homes needed to address low- and moderate-income household change in the region and the regional prospective need shall be zero” (N.J.S.A. 52:27D-304.2).

The Borough of Kenilworth is in Housing Region 2, which consists of Essex County, Morris County, Union County, and Warren County. The regional prospective need for Housing Region 2 was calculated as 20,506, and the Borough’s average allocation factor was calculated as 1.01%. The regional need of 20,506 multiplied by the Borough’s average allocation factor of 1.01% therefore resulted in a Fourth-Round prospective need obligation calculation of 208.

Equalized Nonresidential Valuation Factor

The equalized nonresidential valuation factor is one of the three components of the average allocation factor for each municipality. The equalized nonresidential valuation factor is representative of a municipality’s share of the change in nonresidential property value within its Housing Region.

This factor was calculated as follows:

1. The valuations of commercial properties and industrial properties in each municipality in 2023, per data from the NJ Division of Local Government Services, were summed up and then divided by the 2023 State Equalization Table Average Ratio corresponding with the municipality to obtain a total equalized nonresidential valuation for 2023.
2. The valuations of commercial properties and industrial properties in each municipality in 1999, per data from the NJ Division of Local Government Services, were summed and then divided by the 1999 State Equalization Table Average Ratio corresponding with the municipality to obtain a total equalized nonresidential valuation for 1999.
3. The difference in total equalized nonresidential valuation from 1999-2023 was calculated for each municipality.
4. The difference in total nonresidential valuation from 1999-2023 was summed up for all municipalities (excluding Qualified Urban Aid municipalities) within each Housing Region.
5. The difference in total nonresidential valuation from 1999-2023 for each municipality was divided by the sum of differences in total nonresidential valuation from 1999-2023 for its corresponding Housing Region to compute the municipality’s share of the regional nonresidential valuation change from 1999-2023.

The Borough’s equalized nonresidential valuation factor was calculated as 2.47% per the DCA report.

Income Capacity Factor

The second component of the average allocation factor for each municipality is the income capacity factor. The income capacity factor measures the degree to which a municipality’s median household income differs from an income floor of \$100 below the lowest median household income in its Housing Region.

Per the FHA Amendments, a municipality’s income capacity factor shall be “determined by calculating the average of the following measures:

- (a) The municipal share of the regional sum of the differences between the median municipal household income, according to the most recent American Community Survey Five-Year Estimates, and an income floor of \$100 below the lowest median household income in the region; and
- (b) The municipal share of the regional sum of the differences between the median municipal household incomes and an income floor of \$100 below the lowest median household income in the region, weighted by the number of the households in the municipality” (N.J. S.A. 52:27D-304.3).

At the time of the release of the DCA report on October 18, 2024, the most recent American Community Survey Five-Year Estimates data for median household income and number of households were found in Table S1903 of the Census Bureau’s American Community Survey 2018-22 5-Year Estimates.

The Borough’s income capacity factor was calculated as 0.49% per the DCA report.

Land Capacity Factor

The third component of the average allocation factor for each municipality is the land capacity factor. The land capacity factor indicates the percentage share of total “developable” land in a Housing Region accounted for by each municipality within that Region, excluding land area corresponding to Qualified Urban Aid municipalities. The DCA conducted a GIS analysis to identify the “developable” land within the state using several publicly available datasets, including but not limited to 2020 land use/land cover (LULC) data, New Jersey State Plan Planning Areas weighted by area type, statewide parcel data, open space and preserved farmland, category 1 waterways and wetlands, steep slopes, and open waters.

The steps below provide a summary of the methodology used to identify the vacant land in the state, and consequently identify each municipality’s share of developable land within its corresponding Housing Region.

1. Weights were applied to all New Jersey State Plan Planning Areas as specified in the Fourth Round Law.
2. The layer of weighted Planning Areas was merged with land use/land cover (LULC) data for the entire state sourced from 2020 aerial imagery. 18 different types of LULC, such as cropland and pastureland, deciduous forest, and coniferous forest, were identified and extracted as “vacant, developable land” from this merged dataset.
3. Of these areas identified as “developable” from the merged dataset, areas without underlying parcel data and areas with MOD-IV Property Tax data with property class codes for residential, commercial, industrial, apartment, railroad, and school uses were removed to prevent rights-of-way, tree-covered rear yards on residential properties and buffer areas on non-residential development from being included in the “developable” land calculation.
4. Municipally reported construction permit data to the DCA was used to remove properties otherwise identified as vacant through the LULC analysis.
5. Areas mapped as open space, preserved farmland, category 1 waterways and wetlands (and associated buffers based on special resource area restrictions) were removed from the “developable” land dataset.
6. Using 10 foot digital elevation LiDAR data, steep slope areas exceeding 15% and steep

slope areas consisting of 5,000 square feet or less were removed from the “developable” land dataset.

7. DCA reviewed an unspecified 22,000 vacant parcels to further remove homeowner association common areas, detention basins, and road and utility rights of way.
8. After the removal of all the aforementioned layers from the “developable” land dataset, remaining “slivers” of land with an area of 2,500 square feet or less were also removed due to their inability to support any kind of development.
9. The remaining land was identified as “developable” land and was summed based on the limits of each Housing Region and its corresponding municipalities.
10. The municipality’s percentage of total identified “developable” land within its Housing Region constitutes its land capacity factor.

Through this analysis, the DCA reported 4.65 acres of developable land in the Borough of Kenilworth and 5,358.483 acres of developable land in Housing Region 2 (excluding Qualified Urban Aid municipalities), therefore computing a land capacity factor of 0.09% for the Borough.

DCA Calculated Fourth Round Prospective Need Obligation

Given the calculations of the Borough’s equalized nonresidential valuation factor as 2.47%, income capacity factor as 0.49%, and land capacity factor as 0.09%, the average allocation factor for the Borough was computed as 1.01%. The average allocation factor of 1.01% multiplied by the Housing Region 2 regional prospective need of 20,506 totaled to a Fourth-Round prospective need obligation of 208 for the Borough per the DCA report.

E. MUNICIPAL DETERMINATION OF FOURTH ROUND PRESENT NEED AND PROSPECTIVE NEED OBLIGATIONS

As per N.J.S.A. 52:27D-304.1, “[e]ach municipality shall determine its municipal present and prospective obligations in accordance with the formulas established in [N.J.S.A. 52:27D-304.2 - 304.3] and may take into consideration the calculations in the report published by the department.” Furthermore, “For the fourth round of affordable housing obligations, this determination of present and prospective fair share obligation shall be made by binding resolution no later than January 31, 2025” (N.J.S.A. 52:27D-304.1). The Borough reviewed and evaluated the DCA’s non-binding calculations of the Borough’s Fourth Round present need and prospective need, and as provided in the Resolution No. 25-67 adopted by Borough Council on January 15, 2025 (see Appendix B), the Borough of Kenilworth “hereby commit to the DCA Fourth Round Present Need (Rehabilitation) Obligation of 35 and the DCA Fourth Round Prospective Need (New Construction) Obligation of 208”, subject to all reservations of rights as specified in the Resolution. The Court memorialized the Borough’s Fourth Round present and prospective need obligations on behalf of the Program in an Order dated March 27, 2025 (see Appendix C). The Borough’s plan for satisfying its adopted Fourth Round present need and prospective need obligations is detailed further in Section III of this Fourth Round HEFSP.

F. VACANT LAND ADJUSTMENT

Given municipal constraints on the amount of vacant land available for the development of affordable housing, the amended FHA, similarly to the Third Round, permits municipalities to adjust their prospective need obligations for the Fourth Round based on a lack of vacant land. The process for preparing a vacant land adjustment (“VLA”) for the Fourth Round follows the methodology

established in the Municipal Adjustments Subchapter of COAH's Prior Round Substantive Rules (N.J.A.C. 5:93-4.2), with some minor differences as specified in the Amended FHA. The application of the methodology for vacant land adjustments from COAH's Prior Round Substantive Rules in the Fourth Round is affirmed by language in N.J.S.A. 52:27D-311.m.: "All parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing unless those regulations are contradicted by statute, including but not limited to P.L.2024, c.2 (C.52:27D-304.1 et al.), or binding court decisions." Most notably, the FHA Amendments added an additional requirement to the vacant land adjustment process: "Any municipality that receives an adjustment of its prospective need obligations for the fourth round or subsequent rounds based on a lack of vacant land shall, as part of the process of adopting and implementing its housing element and fair share plan, identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25 percent of the prospective need obligation that has been adjusted and adopt realistic zoning that allows for such adjusted obligation, or demonstrate why the municipality is unable to do so" (N.J.S.A. 52:27D-310.1). The Borough has conducted a VLA for the Fourth Round, which is attached hereto as Appendix A. The Fourth Round VLA calculates a Realistic Development Potential ("RDP") of 31 for the Borough for the Fourth Round, which is detailed in Table 2 below:

Table 2: VLA Summary <i>Borough of Kenilworth</i>					
Vacant Developable Properties Contributing to the Borough's RDP					
Block	Lot	Comments/Discussion	Net Developable Area (ac)	Density (du/ac)	RDP
15	5.02, 5.03, & 5.04	Block 15, Lots 5.02, 5.03, and 5.04 can be combined; vacant land with surrounding single-family homes, adjacent to Black Brook Park.	0.37	10	1
50	8.01 & 8.02	Block 50, Lots 8.01 and 8.02 can be combined. Surrounded by single-family homes, no environmental constraints.	0.284	10	1
146	13-18	Block 146, Lots 13-18 are contiguous and can be combined; located behind existing residences. No access to sites from Summit Ave but access from South 21 st Street through Block 146, Lot 18. No environmental constraints.	0.903	10	2
162	12 & 15	Block 162, Lots 12 and 15 can be combined. Vacant parcels surrounded by single-family homes with Garden State Parkway to the east. No environmental constraints.	0.43	10	1
180	2	Vacant and undeveloped land with access from Sumner Ave.	0.6	10	1
Developed or Approved Properties Contributing to the Borough's RDP					
Block	Lot	Comments/Discussion	Net Developable Area (ac)	Density (du/ac)	RDP
183	9	Included in the 25 North 26 th St Redevelopment Plan, adopted by the Borough Planning Board by Ordinance No. 2021-07.	3.79	43.5*	25
Sites "Likely to be Redeveloped"					
Block	Lot	Comments/Discussion	Net Developable Area (ac)	Density (du/ac)	RDP

183	9	Included in the 25 North 26 th St Redevelopment Plan, adopted by the Borough Planning Board by Ordinance No. 2021-07.	3.79	43.5*	25
56	9.01	Former National Tool Site; Age-Restricted	4.33	15	13
58	4				
59	1-3				
RDP					31
* Density established as per the Redevelopment Plan adopted by Ordinance No. 2021-07.					

As detailed in the table above, 25 units of the Borough's 31-unit Fourth Round RDP are accounted for by the "likely to redevelop" 25 North 26th Street property, which addresses 80.6% of the Borough's RDP. Furthermore, the Borough has prepared an overlay zone ordinance for the Former National Tool Site property implementing a 20% affordable housing set-aside on the site (see Appendix K). The Borough therefore satisfies the requirement that a municipality must "identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25 percent of the prospective need obligation that has been adjusted and adopt realistic zoning that allows for such adjusted obligation" as part of conducting a VLA for the Fourth Round.

G. HOUSING, DEMOGRAPHIC AND EMPLOYMENT INFORMATION

The following Housing, Demographic, and Employment background information regarding Kenilworth helps to describe and create an inventory of characteristics in the Borough that directly apply to current and future housing demand in the town and region. This analysis will include population demographics, housing characteristics, regional comparison, and recent trends.

1. Analysis of Population and Demographics

The following tables analyze the population trends in the Borough of Kenilworth using data from the United States Census Bureau Decennial Census and American Community Survey ("ACS"). An analysis of population demographics in a target area can help a community to understand and plan for the range of people that live and work within its borders. Also, local population demographics understood in the context of and compared to the larger regional area provides a unique opportunity to understand larger geographic implications of present conditions and future local and regional opportunities. This demographic profile was broken down into functional areas including analyses of community demographics, housing stock, employment data, and land use patterns and zoning.

Population

Table 3, which depicts the population change since 1930, shows that from 1930 to 1970, the Borough saw a number of booms in population – notably from 1940 to 1950 and 1950 to 1960. From the 1970s to the 1990s, the Borough of Kenilworth experienced declines in population, but the population has remained fairly steady from 2000 to the present.

Kenilworth' largest increase in growth occurred during the 1950's and 1960's. The Borough's population doubled in the 1950s, and continued to grow by 70% through the 1960s.

Table 4, which depicts the population change between 2000 and 2023 amongst Kenilworth and Union County at large, shows that both the Borough and the County saw an increase in population up until 2020, from which the populations for both the Borough and the County experienced modest declines.

Table 3: Population 1930-2023, Borough of Kenilworth		
Year	Total Population	% change
1930	2,243	-
1940	2,451	9.3%
1950	4,922	101%
1960	8,379	70.2%
1970	9,165	9.4%
1980	8,221	-10.3%
1990	7,574	-7.9%
2000	7,675	1.3%
2010	7,914	3.1%
2020	8,427	6.5%
2023 (est.)	8,259	-2.0%
Source: U.S. Census Bureau, 1930-2020 Decennial Censuses		

Table 4 . Population Changes 2000-2023, Borough of Kenilworth and Union County Comparison				
	Kenilworth Borough		Union County	
Census Year	Total Population	% Change	Total Population	% Change
2000	7,675	-	522,541	-
2010	7,914	3.1%	536,499	2.7%
2020	8,427	6.5%	575,345	7.2%
2023 (est.)	8,259	-2.0%	572,726	-0.5%
Source: U.S. Census Bureau, 1990-2020 Decennial Censuses				

Age Characteristics

Understanding the age make up of a community is important in planning for new housing, resources, and the future of the Borough as a whole. Looking at a further breakdown of population data by age and sex, it shows that the town has a large amount of population in specific age cohorts. Table 5 depicts that the population in Kenilworth is distributed fairly evenly amongst age cohorts, with the largest being that 30% of the population is 40-59 years old. People 19 and under make up 24% of the population, people 25-40 make up 18% of the population, and people over 60 years old make up 22% of the population.

These age cohorts generally suggest that Kenilworth not only consists of families with middle-aged parents and children, but likewise that the families are multi-generational and that the community is aging in place.

Table 6 below provides more detail to how Kenilworth and its population by age has changed over the decades, and compares it to that of Union County as a whole. It shows the steady decrease in residents aged 25 to 34 in Kenilworth from 2000 to 2020 – from 14.2% to 12.2% to 11.9%, respectively. The trend follows in Union County as a whole, with the same age cohort declining from 14.4% in 2000 to just 12.8% in 2020.

	All	Male	Female
Total 2020 Census Population	8,427	4,118	4,309
Under 5 years	411	211	200
5 to 9 years	467	250	217
10 to 14 years	548	290	258
15 to 19 years	572	291	281
20 to 24 years	509	276	233
25 to 29 years	493	266	227
30 to 34 years	504	234	270
35 to 39 years	540	277	263
40 to 44 years	661	304	357
45 to 49 years	550	252	298
50 to 54 years	651	320	331
55 to 59 years	639	304	335
60 to 64 years	530	275	255
65 to 69 years	408	183	225
70 to 74 years	333	150	183
75 to 79 years	255	106	149
80 to 84 years	151	66	85
85 years & over	205	63	142
Median age	41.4	39.5	42.8

Source: U.S. Census Bureau, 2020 Decennial Census

Age	2000				2010				2020			
	Kenilworth		Union County		Kenilworth		Union County		Kenilworth		Union County	
	#	%	#	%	#	%	#	%	#	%	#	%
Under 5	423	5.5	36,441	7.0	401	5.1	35,783	6.7	411	4.9	33,661	5.9
5 to 17	1,173	15.3	73,754	14.1	1,326	16.8	95,475	17.8	1,315	15.6	101,853	17.7
18 to 24	531	6.9	61,215	11.7	616	7.8	45,879	8.6	781	9.3	49,214	8.6
25 to 34	1,089	14.2	75,189	14.4	969	12.2	69,279	13.0	997	11.9	73,519	12.8
35 to 44	1,273	16.6	88,398	16.9	1,145	14.5	78,418	14.6	1,201	14.2	79,963	13.9
45 to 54	1,077	14.0	69,568	12.5	1,258	15.9	83,409	15.5	1,201	14.2	79,764	13.8
55 to 64	710	9.3	45,935	8.8	966	12.2	60,495	11.3	1,169	13.9	75,226	13.0
65 & Over	1,399	18.2	72,041	13.8	1,233	15.6	67,761	12.6	1,352	16.0	82,145	14.3
Total	7,675	100	522,541	100	7,914	100	536,499	100	8,427	100	575,345	100

Note: Figures may not add up due to rounding.

Source: U.S. Census Bureau, 2000, 2010, and 2020 Decennial Censuses

In contrast, the number of 45- to 54-year olds has increased from 14 % to 15.9% from 2000 to 2010, but declined to 14.2% in 2020 in Kenilworth, with a similar pattern seen in the County. The Under 5 age cohorts both saw a steady decrease throughout the decades as well. The decline in the 25 to 34 in conjunction with a steady increase in a middle-aged cohort 45 to 54 and under 17 age cohort could signify that Kenilworth is seeing a loss of job-seeking, post-college aged students and an uptick in family households.

Race

Table 7 shows the racial breakdown of the population according to responses from the 2020 Decennial Census. Over 85% of the population responded as “One Race”, with 69.8% being only white. The next largest racial group in Kenilworth is “Some Other Race” at 7.5%. The smallest population that identified as “One Race” was Native Hawaiian/Pacific Islander, which only 2 residents identifying as such. 14.0% of respondents identified as “Two or More Races”. The Hispanic population of any race makes up 22.9% of the total population.

Household Size and Characteristics

In addition to population demographics, household size in relation to the population helps to characterize the Borough. Using Decennial Census data from 2000-2020, Table 6 below shows that the Average Household Size in Kenilworth increased steadily from 2000-2020, in conjunction with an increase in population and number of occupied housing units. From 2000 to 2010, the number of occupied housing units saw a slight decrease, and the average household size increased as a result. Union County as a whole saw a similar trend in the average size of household increasing from 2000 to 2010, but it decreased between 2010 and 2020.. Table 7 shows that household sizes in occupied housing units was highest for 2 persons in Kenilworth, at 32.0%. The next largest household size reported was 4 persons or more at 30.3%.

**Table 7 : Race 2020,
Borough of Kenilworth, NJ**

Race	Number	Percent
One Race	7,249	86.0%
White	5,886	69.8%
Black or African American	226	2.7%
American Indian/Alaska Native	61	0.7%
Asian	446	5.3%
Native Hawaiian/Other Pacific Islander	2	0.0%
Some Other Race	628	7.5%
Two or More Races	1,178	14.0%
Total Population	8,427	100%
Hispanic Population (of any race)	1,933	22.9%
Source: U.S. Census Bureau, 2020 Decennial Census		

**Table 8 : Households and Population 2000-2020,
Kenilworth And Union County**

	2000			2010			2020		
	HH Populat ion	Occu pied Hous ing Units	Avg HH Size	HH Populatio n	Occupie d Housing Units	Avg HH Size	HH Population	Occupied Housing Units	Avg HH Size
Kenilworth	7,675	2,854	2.69	7,914	2,841	2.78	8,419	2,932	3.00
Union County	514,733	186,124	2.77	536,499	188,118	2.97	569,791	200,372	2.86

Source: U.S. Census Bureau, 2000, 2010, and 2020 Decennial Censuses

**Table 9 : Household Size, 2019-2023 ACS
Borough of Kenilworth**

Household Size	Number of Households	%
1 Person	550	19.1
2 Persons	922	32.0
3 Persons	535	18.6
4 Persons or More	873	30.3
Total Occupied Housing Units	2,880	100

Source: Source: Occupancy Characteristics, 2019-2023 American Community Survey, 5-Year Estimates

Income

Overall, in terms of household and per capita income, Kenilworth fares well compared to the whole of Union County at 126,295 versus the county's 100,117 . Compared to Union County's percent of people below the poverty level at 8.5%, Kenilworth stands at 6.0% in the 2019-2023 American Community Survey (Table 8).

**Table 10 : Income Characteristics – 2019-2023 ACS,
Borough of Kenilworth And Union County**

	Borough of Kenilworth	Union County	State of New Jersey
Median Household Income	126,295	100,117	101,050
Median Family Income	139,573	120,310	123,892
Per Capita Income	55,278	51,850	53,118
Percent of Persons Below Poverty Level	6.0%	8.5%	9.7%

Source: Selected Economic Characteristics, 2019-2023 American Community Survey 5-Year Estimates

The income limits in Table 10 were produced by the Affordable Housing Professionals of New Jersey in 2024 to set the Affordable Housing Regional Income Limits. The table shows the very low income, low income, and moderate-income thresholds for Union County for each household size. Specific rows are for calculating the pricing for one and three-bedroom sale and rental units per N.J.A.C. 5:80-26.4(a).

Table 11 : Affordable Housing Professionals of New Jersey 2024, Affordable Housing Regional Income Limits Region 2: Union County, New Jersey			
Household Size	Moderate Income	Low Income	Very Low Income
1 Person	\$72,473	\$45,296	\$27,177
1.5 Persons*	\$77,650	\$48,531	\$29,119
2 Persons	\$82,826	\$51,766	\$31,060
3 Persons	\$93,180	\$58,237	\$34,942
4 Persons	\$103,533	\$64,708	\$38,825
4.5 Persons*	\$107,674	\$67,296	\$40,378
5 Persons	\$111,816	\$69,885	\$41,931
6 Persons	\$120,098	\$75,061	\$45,037
7 Persons	\$128,381	\$80,238	\$48,143
8 Persons	\$136,663	\$85,415	\$51,249
<i>Source: Affordable Housing Professionals of New Jersey</i>			
<i>* These are for calculating the pricing for one and three-bedroom sale and rental units per N.J.A.C. 5:80-26.4(a)</i>			

2. Analysis of Housing Characteristics

Age of Housing Stock

As of 2023, Kenilworth Borough had 3,058 housing units, amounting to 1.4% of the total housing stock in Union City. More than 60% of this existing stock was built in the 1950s and 1940s. Typically, homes that are over 40 years old require more frequent maintenance and repairs than newer homes. Therefore, it would be reasonable to assume that homeowners in the borough spend a great deal of time and money trying to maintain the livability of their homes. In addition, housing growth appears to have stalled since 2000. This low growth may be attributable to slow recovery from the economic recession of 2008. Table 12 shows the age of the housing stock in Kenilworth.

The county's housing stock grew quite slowly, by only 5.4% during that time; however, Kenilworth Borough experienced no growth in the same period. The housing growth rates for the county as a whole have consistently grown at a higher rate than the borough since 1970, suggesting that other parts of Union County have been more attractive for development than the borough.

Table 12 : Age of Housing – 2019-2023 ACS, Borough of Kenilworth and Union County				
	Kenilworth Borough		Union County	
Year Built	Number of Units	Percent	Number of Units	Percent
2020 or later	20	0.7%	3,659	1.7%
2010 to 2019	206	6.7%	11,637	5.4%
2000 to 2009	3	0.1%	11,651	5.5%
1990 to 1999	79	2.6%	6,421	3.0%
1980 to 1989	40	1.3%	11,172	5.2%
1970 to 1979	268	8.8%	16,655	7.8%
1960 to 1969	302	9.9%	29,439	13.8%
1950 to 1959	1,199	39.2%	46,641	21.8%
1940 to 1949	640	20.9%	24,652	11.5%
1939 or earlier	301	9.8%	51,676	24.2%
Total	3,058	100%	213,603	100%
<i>Note: Figures may not add up due to rounding</i>				
<i>Source: 2019-2023 American Community Survey 5-Year Estimates</i>				

Condition of Housing Stock

While it is important to understand the development trends and existing age of housing, it is just as important to understand the living conditions. Table 13 shows that despite the advanced age of the housing stock, and the need for increased repairs and maintenance associated with older homes, housing conditions are very good in Kenilworth Borough. No housing units lacked complete plumbing facilities, just 1.3% lacked complete kitchen facilities and just 1.6% of housing units were overcrowded. These figures fell below the Union County averages. While the most common housing deficiency in the county was extreme overcrowding, Kenilworth Borough did not experience any extreme overcrowding in 2023..

Table 13 : Condition of Housing Stock, 2019-2023 ACS, Borough of Kenilworth				
Deficiency Indicator	Kenilworth Borough		Union County	
	Number of Units	Percent	Number of Units	Percent
Total Number of Occupied Housing Units	2,880		206,095	
Lacking complete kitchen facilities	37	1.3%	2,165	1.1%
Lacking complete plumbing facilities	0	0.0%	1,086	0.5%
Crowded housing				
1.01 to 1.50 persons per room	0	0.0%	7,547	3.7%
1.51 or more persons per room	47	1.6%	3,994	1.9%
Source: ACS 5-Year Estimates, 2019-2023				

Occupancy and Vacancy Characteristics

Table 14 below depicts the housing stock by tenure and vacancy. Kenilworth Borough has a housing vacancy rate, of 178 units, or 5.8% of the housing stock, remaining vacant. By contrast, the Union County housing vacancy rate was lower than , at 3.5%. Additionally, 27.2% of all 2,880 occupied housing units in the borough were renter-occupied, while the Union County renter occupancy rate is much higher, at 41.1%.

Table 14 : Tenure and Housing Vacancy Rates 2019-2023 ACS, Borough of Kenilworth and Union County Comparison				
Occupancy Status	Kenilworth Borough		Union County	
	Number	Percent	Number	Percent
Occupied housing units	2,880	94.2%	206,095	96.5%
Vacant housing units	178	5.8%	7,508	3.5%
Total housing units	3,058	100%	213,603	100%
Homeowner vacancy rate	--	0.0%	--	0.3%
Renter vacancy rate	--	6.9%	--	2.5%
Housing Tenure				
Owner-occupied housing units	2,097	72.8%	121,379	58.9%
Renter-occupied housing units	783	27.2%	84,716	41.1%
Source: ACS 5-Year Estimates, 2019-2023				

As shown in Table 15, in Kenilworth Borough, over 70% of housing units are one-unit, detached homes. The remainder of housing unit types consist mostly of two-unit (21.7%) and 1-unit, attached

buildings (3.8%). The share of housing units that are in two-unit buildings is higher in Kenilworth than in the Union County as a whole. . In addition, the data shows that only a handful of buildings in Kenilworth Borough contain more than five units. These building types are much more common in other parts of Union County, with over 31,527 units, or 14.8%, in buildings with 20 or more units. Still, half of all housing units can be described as single-unit, detached homes, making this the predominant housing type in the county.

Size of Housing by Number of Rooms

Table 15 : Units in Structure, 2019-2023 ACS, Borough of Kenilworth and Union County				
	Kenilworth Borough		Union County	
	Number	Percent	Number	Percent
Total housing units	3,058	100%	213,603	100%
1-unit, detached	2,174	71.1%	107,770	50.5%
1-unit, attached	117	3.8%	11,444	5.4%
2 units	664	21.7%	33,875	15.9%
3 or 4 units	19	0.6%	15,857	7.4%
5 to 9 units	22	0.7%	6,466	3.0%
10 to 19 units	0	0.0%	6,310	3.0%
20 or more units	62	2.0%	31,527	14.8%
Mobile home	0	0.0%	187	0.1%
Boat, RV, van, etc.	0	0.0%	167	0.1%
Source: U.S. Census, ACS DP04, 2019-2023				

Data from Table 16 shows that Kenilworth Borough tends to have larger housing units than Union County. This conclusion is reasonable because the county includes urban cities, which often have small housing sizes than do suburban communities like Kenilworth Borough. The most common housing sizes in the borough are three and four bedroom units, whereas two and three bedroom units are most common in the county. Union County also offers a larger share of small housing units, of one or fewer bedrooms, than does Kenilworth Borough. These units comprise only 2.6% of the borough's housing stock.

Table 16 : Housing Size by the Number of Bedrooms, 2019-2023 ACS, Borough of Kenilworth and Union County				
	Kenilworth Borough		Union County	
Number of Rooms	Number of Units	Percent	Number of Units	Percent
No bedroom	62	2.0%	6,723	3.1%
1 bedroom	17	0.6%	33,064	15.5%
2 bedrooms	588	19.2%	49,383	23.1%
3 bedrooms	1,635	53.5%	71,090	33.3%
4 bedrooms	580	19.0%	41,778	19.6%
5 or more bedrooms	176	5.8%	11,565	5.4%
Total	3,058	100%	213,603	100%
Source: U.S. ACS DP04, 2019-2023				

Value of Housing Stock

In 2023, the median value of owner-occupied homes in Kenilworth Borough was \$521,100, which is very similar to the Union County median home value. In the borough, 92.8% of owner-occupied homes were valued between \$300,000 and \$999,999. In Union County, this figure was 80.9%, explained by a greater proportion of homes having a higher value. Given that Kenilworth Borough has predominantly older homes, it stands to reason that newer homes in other parts of the county would have a greater worth. The monthly cost to owners with a mortgage was somewhat lower in Kenilworth Borough, averaging \$2,790 compared to \$2,982. This estimate may include a combination of mortgage payments, property taxes, and maintenance and repair costs.

Table 17 : Housing Characteristics, 2019-2023 ACS, Borough of Kenilworth and Union County		
	Kenilworth Borough	Union County
Housing Characteristics		
Owner-occupied units	2,097	121,379
Median value	\$521,100	\$522,500
Median of selected monthly owner costs		
With a mortgage	\$2,790	\$2,982
Without a mortgage	\$1,151	\$1,338
Source: ACS DP04, 2019-2023		

Table 18 : Value of Owner-Occupied Housing 2019-2023 ACS, Borough of Kenilworth and Union County				
	Kenilworth Borough		Union County	
Housing Value	Number	Percent	Number	Percent
Less than \$50,000	56	2.7%	1,325	1.1%
\$50,000 to \$99,999	0	0.0%	892	0.7%
\$100,000 to \$149,000	0	0.0%	1,404	1.2%
\$150,000 to \$199,999	41	2.0%	1,285	1.1%
\$200,000 to \$299,999	55	2.6%	7,167	5.9%
\$300,000 to \$499,999	821	39.2%	45,160	37.2%
\$500,000 to \$999,999	1,124	53.6%	52,992	43.7%
\$1,000,000 or more	0	0.0%	11,154	9.2%
Total	2,097	100%	121,379	100%
Source: ACS DP04, 2019-2023				

It is important to examine how much households spend on housing as a percentage of their income since the amount spent, alone, does not tell us whether it is affordable for residents to live there.

According to U.S. HUD, households that spend more than 30% of their income on housing are cost-burdened such that meeting their other needs may be difficult. In Kenilworth Borough, more than a quarter, 29.7%, of households with a mortgage fall into this category, while a higher proportion, 35.3%, of Union County households with a mortgage are over-burdened. In the borough, the difference in housing cost burden between households with and without a mortgage is small.

Table 19 : Selected Monthly Owner Costs as a Percentage of Household Income, 2019-2023 ACS, Borough of Kenilworth and Union County				
	Kenilworth Borough		Union County	
	Number	Percent	Number	Percent
Housing units with a mortgage				

Less than 20.0 percent	490	36.2%	34,528	42.4%
20.0 to 24.9 percent	239	17.7%	10,192	12.5%
25.0 to 29.9 percent	221	16.3%	7,991	9.8%
30.0 to 34.9 percent	199	14.7%	6,003	7.4%
35.0 percent or more	203	15.0%	22,695	27.9%
Total	1,352	100%	81,409	100%
Housing units without a mortgage				
Less than 10.0 percent	209	28.1%	12,241	31.4%
10.0 to 14.9 percent	163	21.9%	7,312	18.8%
15.0 to 19.9 percent	58	7.8%	5,073	13.0%
20.0 to 24.9 percent	44	5.9%	3,938	10.1%
25.0 to 29.9 percent	53	7.1%	1,844	4.7%
30.0 to 34.9 percent	71	9.5%	1,636	4.2%
35.0 percent or more	147	19.7%	6,889	17.7%
Total	745	100%	38,933	100%
Source: ACS DP04, 2019-2023				

Examining rent paid as a proportion of household income shows a worse situation for renters in Kenilworth Borough and a worse situation for renters in Union County as a whole. Over half, 53.3% of renter households in the borough are housing cost-burdened, while nearly half, 48.7%, of Union County renters are in a similar situation. However, the median monthly gross rent was higher in Kenilworth Borough than in Union County, suggesting that the incomes of renters in the borough are generally higher than their counterparts in the county.

Table 20 : Rent Levels – 2019-2023 ACS, Borough of Kenilworth and Union County				
	Kenilworth Borough		Union County	
Occupied units paying rent	Number	Percent	Number	Percent
Less than 15.0 percent	99	12.9%	9,952	12.1%
15.0 to 19.9 percent	104	13.5%	8,294	10.1%
20.0 to 24.9 percent	104	13.5%	11,397	13.9%
25.0 to 29.9 percent	52	6.8%	12,406	15.1%
30.0 to 34.9 percent	20	2.6%	6,136	7.5%
35.0 percent or more	390	50.7%	33,766	41.2%
Source: ACS DP04, 2019-2023				

3. Analysis of Employment Characteristics

Economic data regarding Kenilworth was retrieved from City-data.com, which reports that the estimated Median Household Income in 2022 was \$100,711 ,

Based on the “Major Employers List” prepared for the Union County Board of Chosen Freeholders by the Union County Economic Development Corporation in 2022 , Kenilworth is home to

one of 8 businesses in Union County with over 1,000 employees – Merck & Co. – and it is the largest single employer in Union County with 4,000 employees. There are five major employers within Kenilworth and Table 20 depicts entities who employ over 100 people and it is not reflective of all of the businesses and employers within the Borough. However, this table does indicate that Kenilworth does have a variety of healthy employment opportunities within its borders.

Table 21 : Economic Data Borough of Kenilworth	
Description	Amount
Estimated Median Household Income in 2022	\$100,711
Estimated Median Household Income in 2000	\$59,929
Estimated Per Capita Income in 2022	\$52,150
Estimated Median House or Condo Value in 2022	\$504,173
Estimated Median House or Condo Value in 2000	\$177,000
Mean Price of All Housing Units in 2022	\$468,554
Mean Price of Detached Houses in 2022	\$464,387
Mean Price of Two Unit Structures in 2022	466,328
Median Gross Rent in 2022	\$1,939
Source: City-Data.com	

Table 22 : Borough of Kenilworth, Major Employers			
Employer	Address	Business	No. of Employees
Merck & Co.	2000 Galloping Hill Road	Pharmaceutical Preparation Manufacturing	1,000+
Auto Action Group, Inc.	121 North Michigan Ave.	Automotive	100-199
Kenilworth Board of Education	426 Boulevard	Education	100-199
White Systems, Inc.	30 Boright Ave.	Industrial machinery and equipment merchant wholesalers	100-199
ACME	801 Boulevard	Supermarket	100-199
<i>Source: "2022 Major Employers" Prepared for Union County Board of County Commissioners, by Union County Economic Development Corporation, 2022</i>			

The Borough of Kenilworth has a high percentage of high school graduates, but a lower proportion of bachelor's degree and graduate or professional degree attainees. The average commute time is 23.4 minutes, indicating that many of the residents commute to work elsewhere, but are likely within close proximity of Kenilworth.

Table 23 : Education and Employment Data for the Borough of Kenilworth	
For population 25 years and over	
High school or Higher	90.3%
Bachelor's Degree or Higher	29.6%
Graduate or Professional Degree	10.6%
Unemployed	4.6%
Mean Travel Time to Work (Commute)	23.4 mins
Source: City-Data.com	

[illegible]

2. Projected Historic Trends	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD
3. Other Projected Development	25	--	--	--	--	--	--	--	--	--	--	25
25 North 26th Street	25	--	--	--	--	--	--	--	--	--	--	25
Total Projected Residential Development												25

Table 26: Projection of Affordable Units Borough of Kenilworth												
Type	<i>July 1, 2025</i>	<i>2026</i>	<i>2027</i>	<i>2028</i>	<i>2029</i>	<i>2030</i>	<i>2031</i>	<i>2032</i>	<i>2033</i>	<i>2034</i>	<i>June 30, 2035</i>	Total
1. Approved New Residential Development Permits Issued	--	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	0
2. Other Projected Development	--	25	--	--	--	--	--	--	--	--	--	25
25 North 26th Street	--	25	--	--	--	--	--	--	--	--	--	25
Total Projected Development	--	25	--	--	--	--	--	--	--	--	--	25

5. A Consideration of Lands of Developers Who Have Expressed a Commitment to Affordable Housing

Pursuant to the Fair Housing Act (N.J.S.A.52:27D-310.f) and the Municipal Land Use Law N.J.S.A. 40:55D-28b(3), a Housing Element must include “a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.” Thus, it is the Borough’s responsibility to consider sites offered for affordable housing. However, the Borough does not have an obligation to include every parcel a developer has proposed. In this case, a number of developers have expressed interest in the construction of affordable housing and their site has been included in this Plan below.

6. Consistency with State Plan and Redevelopment Plan

Pursuant to the Fair Housing Act (N.J.S.A.52:27D-310.i) and the Municipal Land Use Law N.J.S.A. 40:55D-28b(3), a Housing Element must include “an analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportation based on guidance and technical assistance from the State Planning Commission.” Per the existing State Development and Redevelopment Plan (SDRP), which was adopted in 2001, the Borough of Kenilworth is located in the Metropolitan Planning Area (PA1). As stated in the 2001 SDRP, the State Plan’s intention in PA1 is to “provide for much of the state’s future redevelopment; revitalize cities and towns; promote growth in compact forms; stabilize older suburbs; redesign

areas of sprawl; and protect the character of existing stable communities.” The SDRP further elaborates that “these goals will be met by strategies to upgrade or replace aging infrastructure; retain and expand employment opportunities; upgrade and expand housing to attract a balanced residential population; restore or stabilize a threatened environmental base through brownfields redevelopment and metropolitan park and greenway enhancement; and manage traffic effectively and create greater opportunities for public transportation connections within the Metropolitan Planning Area and between the Metropolitan Planning Area, suburban employment centers, and the Philadelphia and New York areas.”

On December 4, 2024, the State Planning Commission approved the updated Preliminary State Development and Redevelopment Plan. Per the Preliminary SDRP, Kenilworth remains in Metropolitan Planning Area (PA1). The Preliminary SDRP provides that the intent of the Metropolitan Planning Area is to “provide for much of the state’s future growth in compact development and redevelopment; revitalize cities, towns and neighborhoods, and in particular overburdened neighborhoods; address existing legacy issues such as air pollution, urban heat islands, lead contamination, Brownfields, urban highways, and combined sewer systems; prevent displacement and gentrification; promote growth that occurs in Centers, other appropriate areas that are pedestrian friendly, and in compact transit-oriented forms; rebalance urbanization with natural systems; promote increased biodiversity and habitat restoration; stabilize and enhance older inner ring suburbs; redesign and revitalize auto oriented areas; protect and enhance the character of existing stable communities.” Given that the final updated SDRP is not expected to be adopted until late Fall 2025, the consistency of the City’s Fourth Round Housing Element with the State Development and Redevelopment Plan is evaluated based on the 2001 SDRP. The Borough reserves the right to amend this Housing Element and Fair Share Plan to reevaluate its consistency with the updated SDRP after its adoption.

Redevelopment has been used as a primary tool for housing development in Kenilworth over the last decade, which is a core objective of the existing SDRP and Preliminary SDRP for PA1. The Borough particularly has prioritized redevelopment efforts in its industrial corridors, surrounding brownfield sites where industrial land uses were formerly operated, which has brought an influx of residential development to the Borough’s underutilized, blighted properties, improving walkability and infrastructure. By concentrating higher-density development in the Borough’s underutilized industrial sites and engaging in infill development, Kenilworth is providing for its future growth in “compact” form as envisioned by the SDRP. The Borough is continuing to promote redevelopment as a tool for the provision of affordable housing units as part of its compliance with its Fourth Round affordable housing obligations. The Borough evaluates the viability of all planned and prospective affordable housing sites with respect to utility access, environmental impacts, and traffic/circulation. The projects contemplated for compliance towards the Borough’s Fourth Round affordable housing obligation are further evaluated in this Housing Element and Fair Share Plan.

III. BOROUGH OF KENILWORTH FOURTH ROUND FAIR SHARE PLAN

A. SATISFACTION OF COMPLIANCE MECHANISMS PRIOR TO THE FOURTH ROUND

Compliance with Fourth Round Deadlines

As described in Section II.D of this Housing Element and Fair Share Plan, the FHA Amendments established several deadlines prior to the commencement of the Fourth Round on July 1, 2025. This section details the Borough's compliance with the deadlines mandated by the FHA Amendments leading up to the preparation of this Housing Element and Fair Share Plan.

- **June 18, 2024:** Deadline for the municipality to submit to the DCA a detailed accounting of all nonresidential development fees collected and expended since it was authorized to collect such fees. This deadline was retroactively moved to coincide with the September 16, 2024, unit and program monitoring report deadline. The Borough formally submitted an affordable housing trust fund report inclusive of all residential and non-residential fees through December 31, 2023, to DCA Commissioner Jacquelyn A. Suarez on June 18, 2014 (see Appendix).
- **September 16, 2024:** Deadline for the municipality to submit to the DCA a detailed accounting of all residential development fees collected and expended since it was authorized to collect such fees. Starting in September 2024, the DCA released a new Affordable Housing Monitoring System (AHMS) as required by A4/S50 for all municipalities to record and report all affordable housing trust fund and unit monitoring activity. The Borough formally submitted all affordable housing trust fund activity through December 31, 2023, on the new online Affordable Housing Monitoring System (AHMS) on September 16, 2024 (see Appendix).
- **September 16, 2024:** Deadline for the municipality to submit a unit and program monitoring report to the DCA. The Township formally submitted all affordable housing project and unit monitoring data through December 31, 2023, on the new online Affordable Housing Monitoring System (AHMS) on September 16, 2024 (see Appendix).
- **October 20, 2024:** Deadline for DCA to prepare and submit a report on the calculation of regional need and municipal obligations for each region. The DCA released a report titled "Affordable Housing Obligations for 2023-20235 (Fourth Round) Methodology and Background" on October 18, 2024.
- **January 31, 2025:** Deadline for a municipality to adopt its fair share obligation numbers via binding resolution, which will either accept the DCA numbers, or describe why the numbers should be adjusted and what those adjusted numbers should be.
- **48 hours following adoption of the resolution:** Deadline for a municipality to file an action with the Program regarding the adopted resolution and committing to its fair share numbers. The resolution must be published on the municipal website.
- **February 15, 2025:** Deadline for the municipality to submit to the DCA a detailed accounting of all nonresidential and residential development fees collected and expended

from the previous year. The Township formally submitted and confirmed all affordable housing trust fund activity through December 31, 2024, on the AHMS on February 12, 2025, and the Township formally submitted and confirmed all affordable housing project and unit monitoring data through December 31, 2024, on the AHMS on February 12, 2025 (see Appendix).

- **February 28, 2025:** Deadline for an interested party to challenge a municipality's adopted numbers. The Borough of Kenilworth committed to the original numbers as described in the DCA Report released on October 18, 2024; no party challenged the numbers.
- **March 1, 2025:** If no challenges, the Borough's numbers are established by default and immunity from exclusionary zoning litigation remains in effect.
- **March 31, 2025:** Deadline for the Program to settle challenges to a municipality's fair share obligation numbers. The Program must issue a decision on any challenges to the municipality's fair share obligation by (i) making a finding that the municipality's determination of its present and prospective need obligation did not facially comply with the law and revoking the municipality's immunity, (ii) making an adjustment to the municipality's determination to comply with the law without revoking immunity or (iii) rejecting the challenge and affirming the municipality's determination of its fair share obligation. NJBA notified the Program in writing by their counsel that they would not object to any settlement reached between the Borough and the FSHC.
- **June 30, 2025:** Deadline to adopt and endorse a Housing Element and Fair Share Plan and propose drafts of the appropriate zoning and other ordinances and resolutions implementing the municipality's present and prospective obligation. This Fourth Round HEFSP, inclusive of all ensuing attachments and appendices, has been prepared for review and adoption by Borough Council prior to the June 30, 2025, deadline.
- **June 30, 2025 or 48 hours following the Plan's adoption (whichever is sooner):** Deadline for the municipality to file the Housing Element and Fair Share Plan and drafts of resolutions and ordinances to implement its present and prospective obligation with the Program. The Plan and appropriate resolutions and ordinances must be posted on the municipal website.

Fair Share Obligations Prior to the Fourth Round

In the 3rd round, the Borough followed the fair share methodology approved by Judge Mary C. Jacobson in her decision, dated March 8, 2018. Based upon the obligations approved in that decision, the Borough had a zero (0) unit Rehabilitation Obligation; an 83-unit prior round (Second Round) obligation and a 271-unit Third Round obligation. The following chart illustrates the numbers for the Prior Round (Second Round) and for the Third Round:

Table 27 : Breakdown of Fair Share Housing Obligations Borough of Kenilworth, Union County, NJ	
Prior Round Rehabilitation Obligation	0 units
Prior Round Obligation (1987-1999):	83 units
Third Round Jacobson Number (1999-2025)	271 units

Total Obligation:	354
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The Borough has not satisfied with its Prior Round Obligation of 83 or its Third Round Jacobson Obligation of 271. Therefore, this unmet need will be carried over to the Fourth Round. A Prior Round and Third Round combined unmet need of 354 will be added to the Borough's Fourth Round Prospective Need Obligation.

Satisfaction of Third Round Rehabilitation Obligation

According to Judge Jacobson, the Borough had a Third Round Rehabilitation obligation of zero (0); there was no rehabilitation obligation for the Borough to satisfy.

Satisfaction of Prior Round Obligation

The Borough had a prior round obligation of 83. The Borough will address its unmet prior round obligation as part of its comprehensive planning efforts in the forthcoming Fourth Round.

Satisfaction of Third Round Prospective Need Obligation

The Borough had a Third Round Prospective Need Obligation of 271, pursuant to the Judge Jacobson decision. The Borough will address this unmet third round prospective need obligation as part of its comprehensive planning efforts in the forthcoming Fourth Round.

B. FOURTH ROUND PLAN COMPLIANCE MECHANISMS

Fourth Round Present Need (Rehabilitation) Obligation

As explained in detail in Section II.D and Section II.E of this Fourth Round Housing Element and Fair Share Plan, the Borough's Fourth Round present need (rehabilitation) obligation is 35. The Borough intends to participate in the Union County Home Improvement Program until the rehabilitation obligation has been fully satisfied, and the Borough shall amend the Spending Plan to fund the balance of its present need if the County program is ever abandoned or loses its funding. In the event that the County program sufficiently addresses the Borough's rehabilitation obligation for owner-occupied units, the Borough reserves the right to amend the Spending Plan to allocate funds to other affordable housing activities.

Fourth Round Prospective Need Obligation

As explained in detail in Section II.D, Section II.E, and Section II.F of this HEFSP, on January 16, 2025, the Borough filed a Declaratory Judgement Action (Appendix D) along with a resolution of participation with the Affordable Housing Dispute Resolution Program, adopted on January 15, 2025, which calculated the Borough's Fourth Round Prospective Need obligation as 208 units, as calculated by the DCA. The Borough Council adopted a binding resolution committing to a Fourth Round Prospective Need obligation of 208 units on January 15, 2025. The Township's Fourth Round Prospective Need obligation of 208 units was thereby established in a Court Order dated March 27, 2025.

1. Vacant Land Adjustment

As discussed in Section II.F of this HEFSP, the Borough has conducted a Vacant Land Adjustment as part of addressing its Fourth Round prospective need obligation (see Appendix A). As a result of the VLA, taking into consideration vacant and “developable” properties, developed/approved properties determined to generate an RDP, and properties identified as likely to redevelop, the Borough calculated an RDP of 31.

2. Fourth Round Rental Obligation

Per N.J.S.A. 52:27D-311, “A municipality shall satisfy a minimum of 25 percent of the actual affordable housing units, exclusive of any bonus credits, to address its prospective need affordable housing obligation, through rental housing, including at least half of that number available to families with children.” Based on the Borough’s Fourth Round RDP of 31, its minimum rental obligation is twenty five percent (25%) of 31, or 8 units. The Borough has proposed 25 affordable family rental units towards its Fourth Round RDP. The Borough will therefore satisfy its minimum 8-unit rental obligation. The Borough will continue to comply with this requirement over the course of the Fourth Round period as units are constructed and the RDP is adjusted.

3. Fourth Round Family Housing Obligation

Per N.J.S.A. 52:27D-311, “A municipality shall satisfy a minimum of 50 percent of the actual affordable housing units, exclusive of any bonus credits, created to address its prospective need affordable housing obligation through the creation of housing available to families with children 45 Borough of Garwood – Fourth Round Housing Element and Fair Share Housing Plan and otherwise in compliance with the requirements and controls established pursuant to section 21 of P.L.1985, c.222 (C.52:27D-321).” In compliance with this fifty percent (50%) minimum family housing requirement, 16 units of the Borough’s 31-unit Fourth Round RDP, or fifty percent (50%), will be satisfied by affordable family units. These 16 affordable family units are comprised of 25 affordable family rental units from the 25 North 26th Street Redevelopment project. The Borough will continue to comply with this requirement over the course of the Fourth Round period as units are constructed and the RDP is adjusted.

4. Fourth Round Age-Restricted Housing

Per N.J.S.A. 52:27D-311, “A municipality may not satisfy more than 30 percent of the affordable housing units, exclusive of any bonus credits, to address its prospective need affordable housing obligation through the creation of age-restricted housing.” The Borough intends to adopt an age-restricted, inclusionary overlay zone on the Former National Tool Site, encompassing 4.33 acres of land. The proposed density for this overlay zone is set at 15 units per acre, which would yield approximately 65 total units with a 20% set-aside of 13 affordable, age-restricted units; therefore, the Borough will remain under the maximum of 30% of its 208-unit Fourth Round prospective need obligation, or 63 units, of affordable age-restricted units.

5. Fourth Round Very Low-Income Housing Obligation

Per N.J.S.A. 52:27D-329.1, "Housing elements and fair share plans adopted pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1) shall ensure that at least 13 percent of the housing units made available for occupancy by low-income and moderate-income households to address a municipality's prospective need obligation will be reserved for occupancy by very low income households, as that term is defined pursuant to section 4 of P.L.1985, c.222 (C.52:27D-304), with at least half of such units made available for families with children. The 13 percent shall count towards the minimum 50 percent of the housing units required to be made available for occupancy by low-income households to address a municipality's prospective need obligation." Based on the Borough's 208-unit Fourth Round prospective need obligation, the Borough will provide a minimum of 28 units to very low-income households, with a minimum of 14 of said units made available for families with children. While the income distribution for the units in each development contributing to the Borough's Fourth Round prospective need has not yet been finalized, the Borough will ensure that the required 13% minimum very-low income threshold is met as each project is built out over the Fourth Round period. Units constructed as part of the Borough's Fourth Round prospective need compliance shall be subject to the revised UHAC rules effective as of December 19, 2024, and subject to final revision and adoption, which include amendments at N.J.A.C. 5:80-26.1, 26.2, 26.4 through 26.27 and at Appendices A through Q, and new rules at N.J.A.C. 5:80-26.3 and 26.28 to codify statutory requirements enacted pursuant to P.L. 2024, c.2.

6. Fourth Round Bonus Credits

Per N.J.S.A. 52:27D-311, "A municipality shall not receive more than one type of bonus credit for any unit and a municipality shall not be permitted to satisfy more than 25 percent of its prospective need obligation in the fourth round or any subsequent round through the use of bonus credits." The Borough is currently eligible for 6 bonus credits based on the twenty-five percent (25%) bonus credit cap on the RDP of 31 generated by developed properties/properties pending approval. Based on the Borough's 208-unit Fourth Round prospective need obligation, the Borough will be eligible to credit up to 52 total bonus credits towards satisfaction of its Fourth Round prospective need as units are built out over the Fourth Round period and the RDP calculation is adjusted. The 6 bonus credits for which the Borough is currently eligible are provided as follows:

- a) 6 rental bonus credits from 25 proposed affordable units located at the 25 North 26th Street Redevelopment site.
- b) The Borough reserves the right to adjust the allocation of bonus credits in accordance with the FHA Amendments to fully satisfy the twenty five percent (25%) bonus credit cap applicable to the Fourth Round prospective need obligation should any condition of this HEFSP change.

7. Satisfaction of Fourth Round RDP

The Borough's Fourth Round RDP of 31 shall be satisfied as follows:

Table 28. Existing and Proposed Projects Addressing the Fourth Round RDP Borough of Kenilworth, Union County, NJ					
FOURTH ROUND RDP	25 units from developed properties/properties pending approval				
	6 rental bonus credits				
	31 TOTAL RDP				
Mechanism	Proposed Units	L	M	VL	Total
Redevelopment	25				
Adopted Redevelopment Plan allows a total of 165 total units on the 25 North 26th Street site (Block 183, Lot 9), which will deliver a total of 25 affordable family rental units.	25	9	12	4	25 (FR)
Site size: Approx. 3.79 +/- acres					
Rental Bonus Credits (25% of the RDP, or maximum 6)	6				
TOTAL CREDITS AND UNITS	31				
(FR) = Family Rental					

8. Detailed Summary of Fourth Round RDP Satisfaction

- a. 25 units from the following new inclusionary redevelopment project:
 - i. Redevelopment of 25 North 26th Street (Block 183, Lot 9). 165 total rental units, including 25 inclusionary affordable family rental units, based on a 15% set-aside located in multi-family buildings.
- b. 6 rental bonus credits, based on a maximum of 25% of the 31-unit RDP.

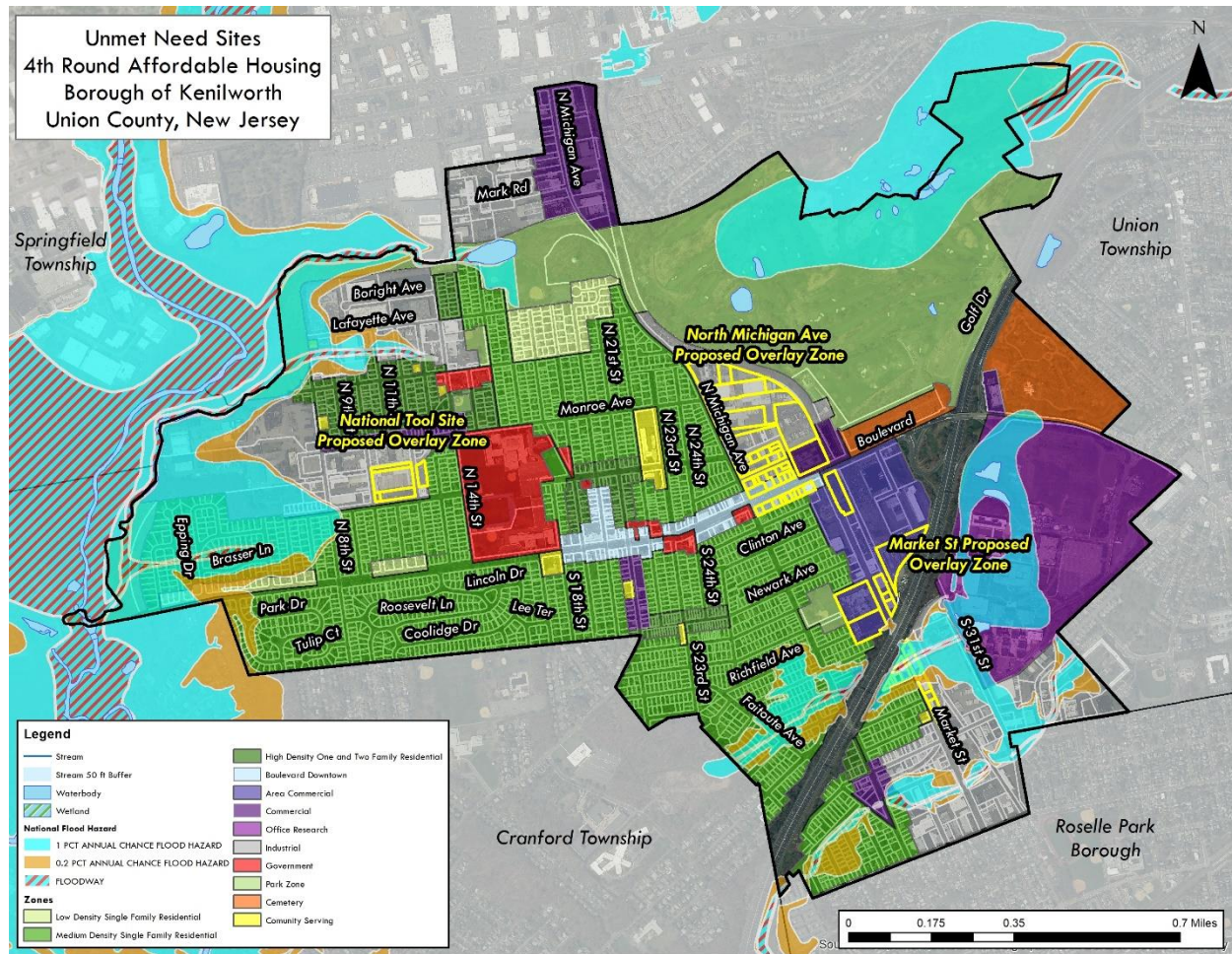
9. Other Mechanisms

- a. **Mandatory Set Aside Ordinance.** The Borough will adopt a Affordable Housing Ordinance, which will include Mandatory Set Aside Ordinance ("MSO") to provide that all developments will provide a 20% set aside for both rental and for-sale developments. A draft of the amended MSO is provided in Appendix G.

Fourth Round Prospective Need Obligation

With the Prior Round unmet obligation of 83, the Judge Jacobson Third Round (1999-2025) number of 271, along with the Fourth Round (2025-2035) DCA number of 208, and the Borough's RDP of 31, then the combined Prior Round, Third Round, and Fourth Round remaining Unmet Need will be **531** ($83 + 271 + 208 - 31 = 531$). The Borough will address the remaining portion of its allocation of the "unmet need", through the following mechanisms:

Table 29: Proposed Projects Addressing the 4th Round "Unmet Need"		
Borough of Kenilworth, Union County, NJ		
4th Round Unmet Need	531	
	Proposed Affordable Units	Total
Inclusionary Overlay Zone on North Michigan Avenue Area (20% set-aside)		
<i>North Michigan Avenue (Approx. 26.5 acres comprised of 40 properties at an average density of 20 units/acre)</i>	106	106
Inclusionary Overlay Zone on Market Street (20% set-aside)		
<i>Inclusionary Overlay District on Market Street (Approx. 12.48 +/- acres at an average of 18 units/acre)</i>	45	45
Age-Restricted, Inclusionary Overlay Zone on Former National Tool Site (20% set-aside)		
<i>Age-Restricted Overlay Zone on Former National Tool Site (Approx. 4.33 +/- acres at an average of 15 units/acre)</i>	13	13
Total Unmet Need Units	164	164



1. Detailed Summary of Fourth Round Unmet Need Satisfaction

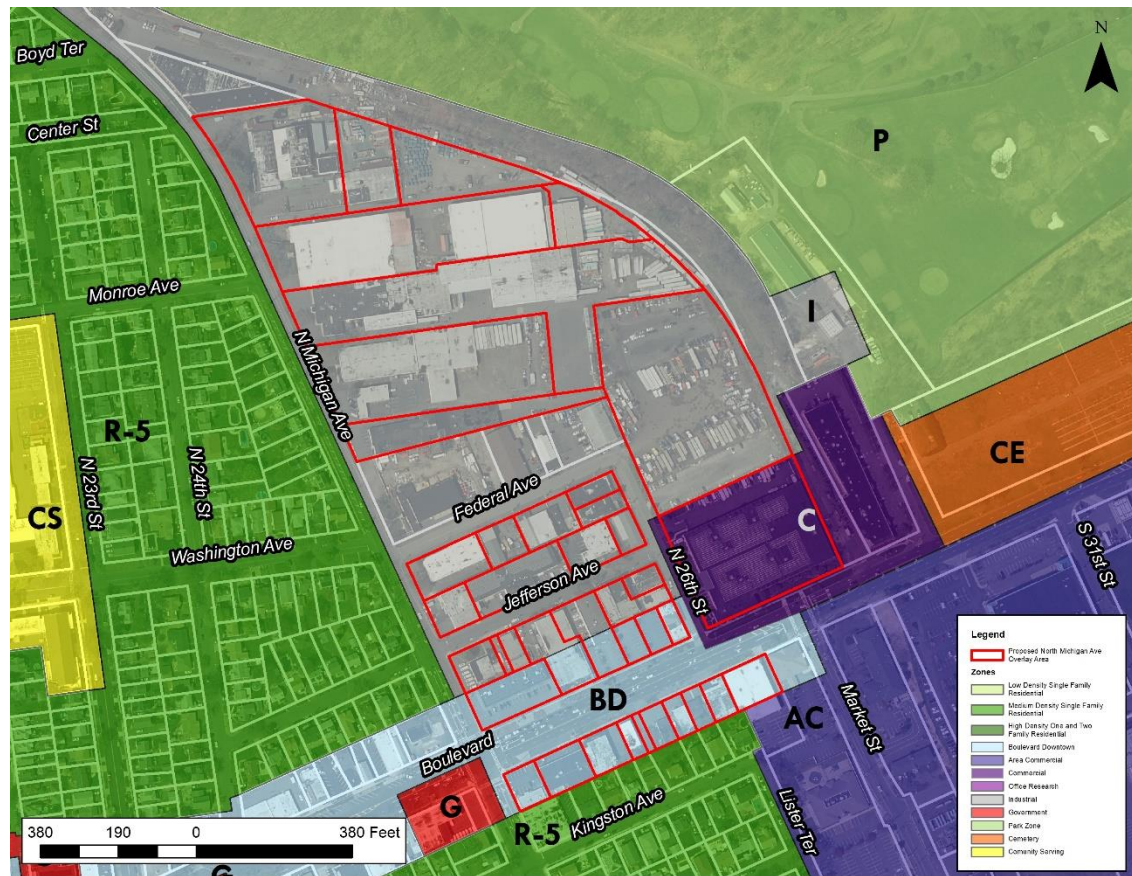
a. 106 units from Overlay along the entire North Michigan Avenue corridor:

As part of the Light Industrial area in Kenilworth slowly changing over time and to create future opportunities for affordable housing, the Borough will enact an amendment to the zoning code for the area located along the entire North Michigan Avenue Corridor. The properties to be included in the overlay are as follows:

- a. 40 properties:
- i. Block 183, Lots 1, 2, 3, 4, 5, 6, 7, 8, and 10;
 - ii. Block 184.A, Lot 1;
 - iii. Block 87, Lots 1, 2, 3, 4, 5, 6, 7, 8, and 9;
 - iv. Block 88, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11; and
 - v. Block 124, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10.

The Overlay Rezoned Area includes a total of approximately 26.5 acres of unconstrained land, which are proposed to be developed for inclusionary affordable housing at an average of 20 units per acre, which would yield

approximately 530 total units, including a 20% set-aside of 106 affordable units.



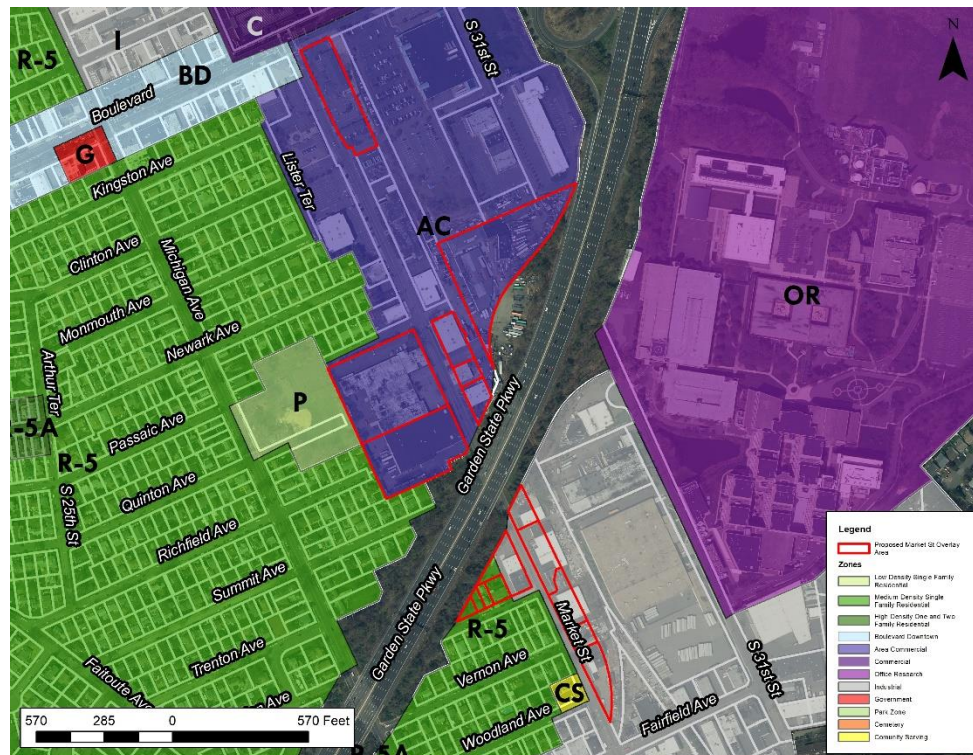
This Overlay area includes part of the “gateway” area into Kenilworth along the Boulevard. The Borough envisions that the portions of the North Michigan Avenue Overlay District along the Boulevard gateway and with frontage on North Michigan Avenue will allow for residential uses as part of mixed-use structures combining retail or service businesses on the ground floor, with housing (apartments and vertical duplexes) on the upper floors. The character of the existing zoning districts is entirely commercial or commercially-related uses, and therefore the Overlay intends to preserve and extend the commercial character, while providing an opportunity for complementary residential uses at appropriate densities that will provide a set-aside, as well as sufficient open space, amenities, parking, and other sound planning strategies. Surrounding single-family uses will also benefit from the proposed mixed-use character of the area.

b. 45 units from an Overlay Zone along Market Street

The Area Commercial (AC) and Light Industrial (I) zone districts along Market Street have a number of existing commercial businesses on various sized parcels, surrounded by residential districts to the west and other non-residential districts to the east. To create future opportunities for affordable housing, the Borough will enact an amendment to the zoning

code for the area located along the Market Street Corridor. The properties to be included in the overlay are as follows:

- b. 17 properties:
- i. Block 128, Lot 1;
 - ii. Block 131, Lots 1, 2, and 3;
 - iii. Block 130, Lots 2 and 3;
 - iv. Block 179, Lot 6;
 - v. Block 156, Lots 1, 2, 3, 4, and 5; and
 - vi. Block 177, Lots 1, 2, 3, 4, and 5.



The Overlay Rezoned Area includes a total of approximately 12.48 acres of unconstrained land, which are proposed to be developed for inclusionary affordable at an average of 18 units per acre because of the irregular shape of the sites, which would yield approximately 225 total units with a **20% set-aside of 45 affordable units.**

This Overlay area is located directly off of the main commercial corridor in Kenilworth, the Boulevard. The Borough envisions that the because of the mixture of non-residential and residential uses along Market Street and in the surrounding area, that this Overlay Zone will allow for residential uses as part of mixed-use structures combining retail or service businesses on the ground floor, with housing (apartments and vertical duplexes) on the upper floors. The Overlay intends to allow for a mixed-use product where appropriate, while also providing an opportunity for complementary residential uses at appropriate densities that will provide a set-aside, as

well as sufficient open space, amenities, parking, and other sound planning strategies.

3. 13 units from an Age-Restricted Overlay Zone on Former National Tool Site

The National Tool Site is located in the Light Industrial (I) zone district at the rear of Monroe Avenue, between North 10th and North 12th Streets. This property is currently developed as a light-industrial use, and directly abuts the R-5 Residential zone. To create future opportunities for affordable housing, the Borough will enact an amendment to the zoning code for this property. The properties to be included in the overlay are as follows:

- a. 5 properties
 - i. Block 56, Lot 9.01;
 - ii. Block 58, Lot 4; and
 - iii. Block 59, Lots 1, 2, and 3.



The Overlay Rezoned Area includes a total of approximately 4.33 acres of unconstrained land, which are proposed to be developed for inclusionary age-restricted affordable units at an average of 15 units per acre, which would yield approximately 65 total units with a 20% set-aside of **13 affordable units**.

4. Mandatory Set-Aside Ordinance to capture remaining Unmet Need

The adoption of the MSO requires any site that benefits from a rezoning, variance or redevelopment plan approved by the Borough which results in multi-family residential development of five (5) dwelling units or more to produce affordable housing at a set-aside rate of 20% for

for-sale and rental affordable units. The adoption of the MSO does not give any developer the right to any such rezoning, variance, redevelopment designation or other relief, or establish any obligation on the part of Borough or its boards to grant such rezoning, variance, redevelopment designation or other relief (See Appendix G).

C. SITES FOR INCLUSIONARY DEVELOPMENT

As required by the FHA, several proposals for inclusionary affordable residential development have been considered during the preparation of this Housing Element and Fair Share Plan and were ultimately included in this Plan. These sites are outlined below. These sites also comply with N.J.A.C. 5:93-1.1, 5.3 and 5.6, which require all new construction sites to be available, approvable, developable and suitable.

1. 25 North 26th Street (Block 183, Lot 9)



a. Site Description and Project History

- i. The Borough proposed to rezone the single parcel at Block 183, Lot 9 that comprises this approximately 3.79 acre site – and prepared an investigation for a redevelopment designation and redevelopment plan – to permit a gross density of 43.5 units per acre, and thus produce up to 165 units, inclusive of a 25-unit affordable family rental set-aside, based on a 15% set-aside requirement.
- ii. The Borough Council adopted resolution No. 21-07 on June 9, 2021, officially adopting the Redevelopment Plan for 25 North 26th Street (See Appendix F).
- iii. Site Control. The property is owned by Kenilworth Redevelopers Urban Renewal.

iv. An Administrative Mechanism. The Borough Council Resolution states that “the Redevelopment Plan also requires the affordable units to be subject to the Fair Housing Act (“FHA”), the Uniform Housing Affordability Controls (“UHAC”) regulations (N.J.A.C. 5:80-26.1 et seq.), applicable Council on Affordable Housing (“COAH”) regulations, and all applicable laws regarding the construction, phasing, administration, and affirmative marketing of affordable units”. This will ensure that all applicants for the project are properly income qualified in compliance with UHAC.

v. Proforma and Construction Schedule. A proforma and construction schedule will be provided as the project moves forward.

b. Site Suitability

The project complies with N.J.A.C. 5:93-1.1, 5.3 and 5.6 that require all new construction sites to be available, approvable, developable, and suitable. This consistency is demonstrated as follows:

- i. There are no known encumbrances that would prohibit or otherwise effect the development of the property in general. The owner of the site approached the Borough with a developer, expressing interest in being a part of the Borough’s Affordable Housing Plan.
- ii. The site has access to appropriate streets and is adjacent to compatible land uses on its northeastern border with the golf course. The uses surrounding to the immediate north and west are largely industrial or outdoor storage in nature, which is not typically compatible. Proper buffers, landscaping, and off-site improvements can mitigate the impacts of incompatible uses, especially because of the size of this parcel and its regular shape. The site has frontage and access from N. 26th Street at its southwestern corner.
- iii. There is adequate water infrastructure and water capacity to serve the site.
- iv. The site is located in a sewer service area, and there is adequate sewer infrastructure and sewer capacity to serve the site.
- v. It is anticipated the site can be developed consistent with the Residential Site Improvement Standards and the appropriate number of parking spaces in accordance with Borough standards.
- vi. The site location is consistent with the adopted State Development and Redevelopment Plan. It is located in Planning Area 1, where development is encouraged.
- vii. Per NJDEP mapping, there are no wetlands, flood plains, or C-1 streams on the site.
- viii. There are no slopes greater than 15 percent on the site.
- ix. Per NJDEP mapping, the site is not located within 300 feet of a currently designated Category One waterbody.
- x. Per NJDEP, the site is not an active property on the Known Contaminated Sites list.

- xi. There are no known historic or cultural resources on the site.

D. AFFORDABLE HOUSING ORDINANCE AND AFFIRMATIVE MARKETING PLAN

The Borough will adopt an Affordable Housing Ordinance and an Affirmative Marketing Plan that is applicable to all new and existing affordable housing units created within Kenilworth. The Borough will also enter into a contract with a qualified affordable housing administrator to act as the Administrative Agent to manage the affordability controls and the affirmative marketing plan for all affordable housing units in the Borough.

E. SPENDING PLAN AND AFFORDABILITY ASSISTANCE MANUAL

The Borough has prepared a draft Spending Plan (see Appendix H), which is to be adopted by the Borough Council as part of its Fourth Round compliance. The Spending Plan outlines the anticipated collection and distribution of mandatory development fees and in lieu contributions and the Borough's proposals for spending the money that comes into the Affordable Housing Trust Fund. Development fees are collected in accordance with the Borough's Development Fee Ordinance, which was prepared during the Third Round and adopted by Borough Council on September 28, 2016. The Borough will revise the Development Fee Ordinance if necessary to comply with statutory changes in the Fourth Round. The Borough understands that no funds may be expended without the Court's approval of the Spending Plan.

F. CONCLUSION

In summary, the following map and table provide a visual depiction of all affordable mechanisms that are existing or proposed within the Borough of Kenilworth as part of its compliance with its Fourth Round affordable housing obligations.

Table 30: Summary of Kenilworth's Fourth Round Affordable Housing Plan		
Obligation	#	Summary of Affordable Housing Strategies
Fourth Round Present Need	35	The Borough will participate in the Union County Community Home Improvement Program until the remaining rehabilitation obligation has been fully satisfied.
Fourth Round Prospective Need Obligation	562	<p>Prior Round Unmet Obligation (1987-1999): 83</p> <p>Third Round Unmet Jacobson Obligation (1999-2025): 271</p> <p>Fourth Round Prospective Need (2025-2035): 208</p> <p>83 + 271 + 208 = 562</p>

RDP	31	<p>TOTAL CREDITS = 31</p> <p>Total new units: 25</p> <p>Bonus credits: 6 bonus credits</p> <p><u>Proposed New Units from Inclusionary Developments: 25</u></p> <ul style="list-style-type: none"> • Redevelopment of 25 North 26th Street (Block 183, Lot 9) <ul style="list-style-type: none"> • 25 affordable family rental units based on a 15% set-aside applied to a 165-unit building at 25 North 26th Street. <p><u>Bonus Credits: 6</u></p> <ul style="list-style-type: none"> • The Borough will be eligible to credit up to 52 total bonus credits towards satisfaction of its Fourth Round prospective need as units are built out over the Fourth Round period and the RDP calculation is adjusted. • Redevelopment of 25 North 26th Street (Block 183, Lot 9) <ul style="list-style-type: none"> • 6 rental bonus credits applied to 25 proposed affordable rental units
Unmet Need	531	<p>TOTAL CREDITS FOR UNMET NEED = 531</p> <p>Total new units through Unmet Need Strategies : 164</p> <ul style="list-style-type: none"> • North Michigan Avenue Overlay Zone <ul style="list-style-type: none"> • Adopt an overlay zone to permit a density of up to 20 dwelling units an acre on an approximately 26.5 acre area. Results in 106 affordable housing units to be applied to the Fourth Round unmet need. • Market Street Overlay Zone <ul style="list-style-type: none"> • Adopt an overlay zone to permit a density of up to 18 dwelling units an acre on an approximately 12.48 acre property. Results in 45 affordable housing units to be applied to the unmet need.

		<ul style="list-style-type: none">• Former National Tool Site Overlay Zone<ul style="list-style-type: none">• Adopt an overlay zone to permit a density of up to 15 dwelling units an acre on an approximately 4.33 acre property. Results in 13 affordable housing units to be applied to the unmet need.• Mandatory Set Aside Ordinance<ul style="list-style-type: none">• The adoption of the MSO requiring any site that benefits from a rezoning, variance or redevelopment plan approved by the Borough which results in multi-family residential development of five (5) dwelling units or more to produce affordable housing at a set-aside rate of 20% for for-sale and rental affordable units.
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IV. APPENDICES

**VACANT LAND ADJUSTMENT
FOR THE
BOROUGH OF KENILWORTH**



Borough of Kenilworth
Union County, New Jersey

June 2025

Prepared by



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The original of this report was signed and
sealed in accordance with N.J.S.A. 45:14A-12.

A handwritten signature in black ink, appearing to read "M. Mistretta".

Michael Mistretta, PP #00575900

VACANT LAND ADJUSTMENT FOR THE BOROUGH OF KENILWORTH

I.	INTRODUCTION.....
II.	LAND INVENTORY BY OWNERSHIP CLASS.....
III.	REFINED METHODOLOGY.....
IV.	VACANT AND DEVELOPABLE PARCELS
V.	DEVELOPED SITES DETERMINED TO CONTRIBUTE TO RDP
VI.	“LIKELY TO REDEVELOP” PROPERTIES.....
VII.	SUMMARY.....
VIII.	REFERENCE LIST
IX.	EXHIBITS
A.	Class 1 Vacant and 15C Public Exempt Parcel Inventory
B.	Vacant Land Adjustment Analysis Spreadsheet

I. Introduction

On March 20, 2024, Governor Murphy signed into law Bill A4/S50 (P.L. 2024, c.2), which amended the Fair Housing Act, N.J.S.A. 52:27D-302 et. seq. ("Amended FHA"), abolished the Council on Affordable Housing ("COAH"), and established new guidelines and methodology for determining and regulating the affordable housing obligations of New Jersey municipalities for the fourth 10-year-round (July 2025 – July 2035). As required by P.L. 2024, c.2, "With consideration of the calculations contained in the relevant report published by the [Department of Community Affairs], for each 10-year round of affordable housing obligations beginning with the fourth round, a municipality shall determine its present and prospective fair share obligation for affordable housing in accordance with the formulas established in sections 6 and 7 of P.L.2024, c.2 (C.52:27D-304.2 and C.52:27D-304.3) by resolution, which shall describe the basis for the municipality's determination and bind the municipality to adopt a housing element and fair share plan pursuant to paragraph (2) of this subsection based on this determination as may be adjusted by the program... For the fourth round of affordable housing obligations, this determination of present and prospective fair share obligation shall be made by binding resolution no later than January 31, 2025. After adoption of this binding resolution, the municipality shall file an action regarding the resolution with the program no later than 48 hours following adoption."

In accordance with the requirements of P.L. 2024, c.2, the Municipal Council of the Borough of Kenilworth adopted Resolution #25-67 on January 15, 2025, which accepted the Department of Community Affairs ("DCA") calculations of the Borough's fair share obligations and committed to its fair share of 35 units present need and 208 units prospective need "subject to the right to adjust the Borough's fair share obligations based on a windshield survey or similar survey, a Vacant Land Adjustment, a Durational Adjustment, and all other applicable adjustments, permitted in accordance with applicable COAH regulations or other applicable law." On January 16, 2025, the Borough filed a Declaratory Judgment Action with the Court and Affordable Housing Dispute Resolution Program.

Similarly to the Third Round, P.L. 2024, c.2 grants municipalities the ability to adjust their prospective need obligations for the Fourth Round based on a lack of vacant land. The process for preparing a vacant land adjustment ("VLA") for the Fourth Round follows the methodology established in the Municipal Adjustments Subchapter of COAH's Prior Round Substantive Rules (N.J.A.C. 5:93-4.2), with some minor differences as specified in P.L. 2024, c.2 and explained further in this report. The application of the methodology for vacant land adjustments from COAH's Prior Round Substantive Rules in the Fourth Round is affirmed by language in N.J.S.A. 52:27D-311.m.: "All parties shall be entitled to rely upon regulations on municipal credits, adjustments, and compliance mechanisms adopted by the Council on Affordable Housing unless those regulations are contradicted by statute, including but not limited to P.L.2024, c.2 (C.52:27D-304.1 et al.), or binding court decisions."

The premise of a vacant land adjustment is that in instances where a municipality has exhausted all of its land and is still unable to provide a realistic opportunity for addressing its state-mandated affordable housing obligations, the municipality can satisfy its prospective need obligation through a combination of a realistic development potential ("RDP") calculation (which is lower than the Township's prospective need) and unmet need mechanisms addressing the remaining credit deficit from the municipality's prospective need. Per COAH's Prior Round Substantive Rules, "Where a municipality attempts to demonstrate that it does not have the capacity to address the housing obligation calculated by the Council, the municipality shall identify sites that are realistic for inclusionary development in order to calculate the realistic development potential (RDP) of the

community, in accordance with N.J.A.C.5:93-4.2. Where the RDP is less than the precredited need minus the rehabilitation component the municipality shall provide a response toward the obligation not addressed by the RDP. Examples of such a requirement include, but are not necessarily limited to, a redevelopment ordinance, an ordinance permitting apartments in developed areas of the municipality and a mandatory development fee ordinance” (N.J.A.C. 5:93-4.2).

Before detailing the procedure for extrapolating the RDP for Kenilworth, it is useful to understand the purpose of the exercise. The RDP establishes the number of affordable units a municipality could theoretically and realistically generate through traditional inclusionary zoning, if it were to rezone every vacant and underutilized parcel at a minimum density of six units per acre (as established by N.J.A.C. 5:93-4.2(f)) with a 20 percent set-aside and in a manner that would comport with sound planning. However, while P.L. 2024, c.2 did not formally increase the minimum density to be used in the calculation of the Fourth Round RDP, the minimum density established in the Prior Round by N.J.A.C. 5:93-4.2(f) was established with the condition that the “Council shall consider the character of the area surrounding each site and the need to provide housing for low and moderate income households in establishing densities and set-asides for each site.” Therefore, it may be expected that the densities assigned for the Borough’s Fourth Round RDP calculation are to be tailored in a way that realistically reflects development trends in the Fourth Round rather than adhere to the Prior Round standard for minimum density.

In addition, if the owner or contract purchaser of a site offers to redevelop a site that is currently developed, this site could also contribute to the RDP under the principles established in the *Cherry Hill* case¹. A municipality need not rezone the sites that contribute to the RDP; rather, once the RDP is established, the municipality has the full range of compliance strategies available to satisfy it. However, as specified by new language for the Fourth Round, “Any municipality that receives an adjustment of its prospective need obligations for the fourth round or subsequent rounds based on a lack of vacant land shall, as part of the process of adopting and implementing its housing element and fair share plan, identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25 percent of the prospective need obligation that has been adjusted and adopt realistic zoning that allows for such adjusted obligation, or demonstrate why the municipality is unable to do so.”

The extrapolation of the RDP is essentially a three-step process as established by Prior Round regulations with minor modifications per P.L. 2024, c.2. Step 1 requires a determination of the number of vacant and underutilized parcels, as well as any additional site that may contribute to the RDP based on the *Cherry Hill* case. Step 2 requires a determination of what sites or portions of sites should be removed from the vacant land inventory based upon the updated criteria provided in N.J.S.A. 52:27D-310.1 and detailed further in Section III. of this report. Step 3 requires a determination of the RDP that could be generated from the sites or portions of sites that remain after removal of site or portions thereof through the Step 2 analysis. Step 3 requires a determination of an appropriate density for each site, which then provides the RDP that the site could theoretically generate – calculated by the total number of units that the site could reasonably accommodate, multiplied by 20 percent.

¹ *Fair Share Housing Center v. Cherry Hill*, 173 N.J. 393 (2002)

II. Land Inventory by Ownership Class

In order to identify and calculate the “developable” land adjustment for the Borough of Kenilworth, an up-to-date inventory² of all Class 1 (Vacant Land), Class 3A (Farm Property - Regular), Class 3B (Farm Property - Qualified), and Borough-owned properties (predominantly Class 15C (Public Property) properties, but also may be inclusive of Class 15A (Public School Property), Class 15E (Cemeteries and Graveyards), and/or Class 15F (Other Exempt) properties owned by the Borough) was requested from the Borough’s Tax Assessor. While other publicly-owned parcels include those lands owned by the State Department of Transportation (NJDOT) and the Union County Parks Commission, these were not included as part of the inventory and analysis of publicly-owned properties.

The definitions of the property classifications included in the land inventory are provided in N.J.A.C. 18:12-2.2 as follows:

- Class 1: "Vacant Land" means land itself above and under water in its original, indestructible, immobile state. Vacant land is idle land, not actively used for agricultural or any other purpose; unused acreage; and is land in an approved subdivision actively on the market for sale or being held for sale.
- Class 3A: "Farm Property (Regular)" means:
 - 1. Land, together with improvements, where the use of the land and function of the buildings on that land are for agricultural or horticultural purposes, but which is not qualified for nor assessed under the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq.;
 - 2. Improvements of the types and like listed in N.J.S.A. 54:4-23.11, including barns, sheds, silos, etc., which are located on land classified as Class 3B "Farm Property (Qualified)." However, such improvements shall not include "single-use agricultural or horticultural facilities" as defined in N.J.S.A. 54:4-23.12, which are considered personal property; and
 - 3. Farm houses and the lots or parcels of land on which they are situated. For definitions of agricultural use and horticultural use, see N.J.A.C. 18:15-1.1, adopted under the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq.
- Class 3B: "Farm Property (Qualified)" means land that has qualified and is assessed under the Farmland Assessment Act of 1964, N.J.S.A. 54:4-23.1 et seq.
- Class 15A: "Public School Property" means real property owned by Federal, State, county, or local governments, or their agencies used for public education.
- Class 15C: "Public Property" means real property owned by Federal, State, county, or local governments, or their agencies and devoted to public uses.
- Class 15E: "Cemeteries and Graveyards" means real property solely devoted to or held for use as a cemetery, graveyard, or burial ground.
- Class 15F: "Other Exempt" means real property exempt from taxation but not described in any of the foregoing classes.

² Vacant Properties list provided upon request from the Borough of Kenilworth Tax Assessor, February 2025.

The Class 1, Class 3A, Class 3B, and Borough-owned properties and their acreage were inventoried, totaled, and mapped on the accompanying spreadsheet (*Exhibit A*) and map (see *Figure 1* below and *Exhibit B*).

There are ninety-one (91) privately-owned vacant (Class 1) parcels for an estimated total area of approximately 29.06 acres; and seventy-five (75) Borough-owned (Class 15C) properties, for an estimated total area of approximately 317.13 acres.

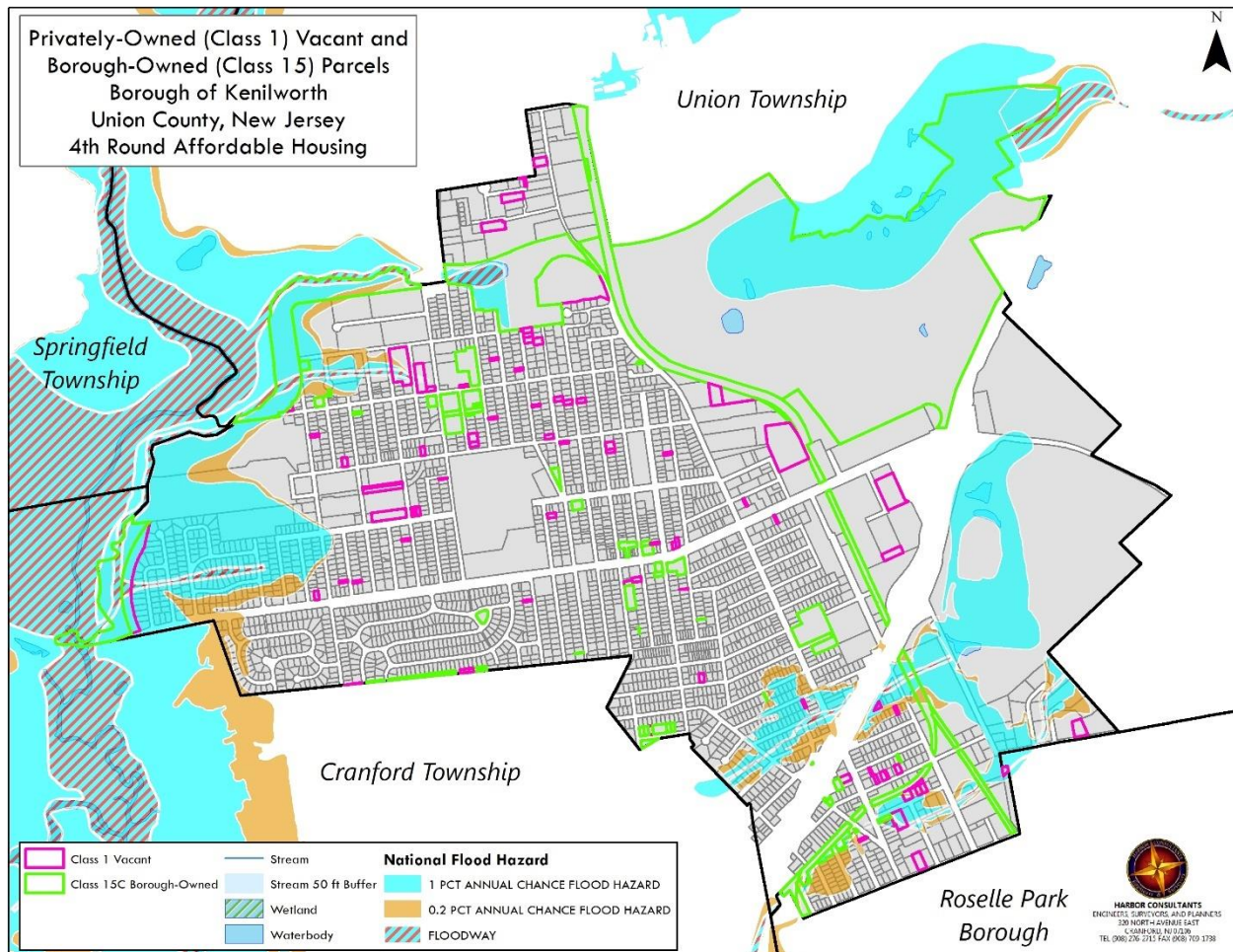


Figure 1: Map of Class 1 and 15C Properties

III. Refined Methodology

From this raw data collection, the inventoried properties were refined based on a parcel-by-parcel investigation and analysis that was guided by the granted exclusions in the New Jersey Fair Housing Act (N.J.S.A. 52:27D-310.1), as amended by P.L. 2024, c.2, and COAH Round 2 Substantive Rules (N.J.A.C. 5:93-4.2). A comprehensive spreadsheet of the Borough's vacant land inventory detailing the reason for inclusion/exclusion of each parcel from the Borough's RDP is provided in *Exhibit B* of this report.

The analysis was carried out through the intersection of (1) Borough Tax Assessor's parcel data to determine exact parcel size, configuration, and ownership; (2) publicly available GIS data from NJDEP and FEMA to overlay with zoning, wetlands and their buffers, and National Flood Hazard Zones; (3) publicly available topography data from NJGIN; (4) publicly available 2020 aerial orthoimagery from NJGIN and 2024 Google satellite imagery; and (5) property site visits to determine any existing developments or encumbrances on site.

To elaborate, those properties that exceed the below criteria, and cannot be excluded, all contribute towards the calculation of the RDP. Per N.J.S.A. 52:27D-310.1, "When computing a municipal adjustment regarding available land resources as part of the determination of a municipality's fair share of affordable housing, the municipality, in filing a housing element and fair share plan pursuant to subsection f. of section 3 of P.L.2024, c.2 (C.52:27D-304.1), shall exclude from designating, and the process set forth pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1) and section 13 of P.L.1985, c.222 (C.52:27D-313) shall confirm was correctly excluded, as vacant land:

- (a) any land that is owned by a local government entity that as of January 1, 1997, has adopted, prior to the institution of a lawsuit seeking a builder's remedy or prior to the filing of a petition for substantive certification of a housing element and fair share plan, a resolution authorizing an execution of agreement that the land be utilized for a public purpose other than housing;
- (b) any land listed on a master plan of a municipality as being dedicated, by easement or otherwise, for purposes of conservation, park lands or open space and which is owned, leased, licensed, or in any manner operated by a county, municipality or tax-exempt, nonprofit organization including a local board of education, or by more than one municipality by joint agreement pursuant to P.L.1964, c.185 (C.40:61-35.1 et seq.), for so long as the entity maintains such ownership, lease, license, or operational control of such land;
- (c) any vacant contiguous parcels of land in private ownership of a size which would accommodate fewer than five housing units based on appropriate standards pertaining to housing density;
- (d) historic and architecturally important sites listed on the State Register of Historic Places or National Register of Historic Places prior to the date of filing a housing element and fair share plan pursuant to section 3 of P.L.2024, c.2 (C.52:27D-304.1) or initiation of an action pursuant to section 13 of P.L.1985, c.222 (C.52:27D-313);
- (e) agricultural lands when the development rights to these lands have been purchased

or restricted by covenant;

- (f) sites designated for active recreation that are designated for recreational purposes in the municipal master plan; and
- (g) environmentally sensitive lands where development is prohibited by any State or federal agency, including, but not limited to, the Highlands Water Protection and Planning Council, established pursuant to section 4 of P.L.2004, c.120 (C.13:20-4), for lands in the Highlands Preservation Area, and lands in the Highlands Planning Area for Highlands-conforming municipalities.”

N.J.S.A. 52:27D-310.1 concludes as follows, that: “No municipality shall be required to utilize for affordable housing purposes land that is excluded from being designated as vacant land.”

Pursuant to N.J.A.C. 5:93-4.2(e), the standards for refining parcels from the RDP include the following:

1. Agricultural lands shall be excluded when the development rights to these lands have been purchased or restricted by covenant.
2. Environmentally sensitive lands shall be excluded as follows:
 - i. Within the areas of the State regulated by the Pinelands Commission, Division of Coastal Resources of the DEP and the Hackensack Meadowlands Development Commission of DCA, the Council shall adhere to the policies delineated in The Pinelands Comprehensive Management Plan, N.J.A.C. 7:50; the Coastal Permit Program Rules, N.J.A.C. 7:7-1; Coastal Resource and Development Rules, N.J.A.C. 7:7E1; and the Zoning Regulations of the Hackensack Meadowlands District, N.J.A.C. 19:4.
 - ii. In areas of the State not regulated by the Pinelands Commission, the Division of Coastal Resources and the Hackensack Meadowlands Development Commission, municipalities may exclude as potential sites for low and moderate income housing: inland wetlands as delineated on the New Jersey Freshwater Wetlands Maps, or when unavailable, the U.S. Fish and Wildlife Service National Wetlands Inventory; or as delineated on-site by the U.S. Army Corps of Engineers or DEP, whichever agency has jurisdiction; when on-site delineation is required by the Council; flood hazard areas as defined in N.J.A.C. 7:13; and sites with slopes in excess of 15 percent, as determined from the U.S.G.S. Topographic Quadrangles, which render a site unsuitable for low and moderate income housing. In cases where part of a site is unsuitable for low and moderate income housing because of flood hazard areas or inland wetlands, the Council shall not permit low and moderate income housing to be constructed on that unsuitable part of the site; provided however, this rule shall not prohibit construction of low and moderate income housing on the remainder of the site. In the case of slopes in excess of 15 percent, a municipality may regulate inclusionary development through a steep slope ordinance, provided the ordinance also regulates non-inclusionary developments in a consistent manner. The Council reserves the right to exclude sites in whole or in part when excessive slopes threaten the viability of an inclusionary development.

- iii. Where the Legislature adopts legislation that requires the mapping of other natural resources and provides a mechanism for their regulation, the Council shall include such resources in its criteria and guidelines for municipal adjustment.
- 3. Historic and architecturally important sites may be excluded as follows:
 - i. Historic and architecturally important sites shall be excluded if such sites were listed on the State Register of Historic Places in accordance with N.J.A.C. 7.4 prior to the submission of the petition of substantive certification.
 - ii. Municipalities may apply to exempt a buffer area to protect sites listed on the State Register of Historic Places. The Council shall forward such request to the Office of New Jersey Heritage for a recommendation pertaining to the appropriateness and size of a buffer.
 - iii. Upon receipt of the Office of New Jersey Heritage's recommendation, the Council shall determine if any part of a site should be eliminated from the inventory described in (d) above.
 - iv. Within historic districts, a municipality may regulate low and moderate income housing to the same extent it regulates all other development.
- 4. Active recreational lands may be excluded as follows:
 - i. Municipalities may reserve three percent of their total developed and developable acreage for active municipal recreation and exclude this acreage from consideration as potential sites for low and moderate income housing. However, all sites designated for active recreation must be designated for recreational purposes in the municipal master plan. In determining developable acreage, municipalities shall calculate their total vacant and undeveloped lands and deduct from that total number the lands excluded by the Council's rules regarding historic and architecturally important sites, agricultural lands and environmentally sensitive lands. Municipalities shall also exclude from this calculation of total vacant and undeveloped lands, those owned by nonprofit organizations, counties and the State or Federal government when such lands are precluded from development at the time of substantive certification. Municipalities shall submit appropriate documentation demonstrating that such active recreational lands are precluded from development. Existing active municipal recreation areas shall be subtracted from the three percent calculation of total developed and developable acreage to determine additional land that may be reserved for active municipal recreation.
 - ii. Sites designated for active recreation must be purchased and limited to active recreational purposes within one year of substantive certification. Sites that are not purchased and limited to active recreational purposes shall, if determined necessary by the Council, be zoned to permit inclusionary development.
- 5. Conservation, parklands and open space lands may be excluded as follows:
 - i. Any land designated on a master plan of a municipality as being dedicated or which is dedicated by easement or otherwise for purposes of conservation, parklands or open space and which is owned, leased, licensed or in any other manner operated by a county, municipality or tax-exempt, nonprofit organization including a local board of education or by more than one municipality, by joint agreement pursuant

- to P.L. 1964,c.185 (N.J.S.A. 40:61-35.1 et seq.), for so long as the entity maintains such ownership, lease, license or operational control of such land.
- ii. If less than three percent of the municipality's total land area is designated for conservation, parklands or open space, the municipality may reserve up to three percent of its total land area for such purposes. However, the acquisition of such sites must be initiated by the municipality within one year of substantive certification. Sites that are not purchased and limited to conservation, parklands or open space within that time-frame, shall, if determined necessary by the Council, be zoned to permit inclusionary development.
 - iii. If sites designated for conservation, parklands or open space no longer serve those purposes and subsequently become available for residential or nonresidential development, these sites shall have an affordable housing obligation, if determined necessary by the Council.
6. Individual sites that the Council determines are not suitable for low and moderate income housing may also be eliminated from the inventory described in (d) above.

Additionally, the following factors were considered in undertaking the RDP analysis:

a. *Borough-owned Active and Passive Recreation and Open Space Sites*

Per these standards, the following analysis of Borough owned active recreation and open space/parkland was conducted to better understand the share of open space in relation to the total area of the Borough. Per N.J.A.C. 5:93-4.2(e)4.i., "Municipalities may reserve three percent of their total developed and developable acreage for active municipal recreation and exclude this acreage from consideration as potential sites for low and moderate income housing" as long "all sites designated for active recreation must be designated for recreational purposes in the municipal master plan"; and per N.J.A.C. 5:93-4.2(e)4.i.-5.i. "if less than three percent of the municipality's total land area is designated for conservation, parklands or open space, the municipality may reserve up to three percent of its total land area for such purposes".

An analysis conducted in 2018 shows that the Borough has four (4) properties that serve as active recreation sites – Block 8, Lot 7 (Ninth Street Park); Block 12, Lot 6 (Sixteenth Street Park); Block 32, Lot 4 (Kenilworth Little League Baseball Field); and Block 130, Lot 1 (DiMario Park) – which total 6.22 acres in area. Additionally, there are two (2) Borough-owned passive open space parcels which are developed – Block 31, Lot 2 and Block 107, Lot 1 – which have a total area of 0.54 acres. Block 31, Lot 2 is developed with buildings associated with the Kenilworth Little League including a storage shed, which is adjacent to Block 32, Lot 4, the Kenilworth Little League Baseball Field. Block 107, Lot 1 is developed with Charles E. Vitale Jr Park, including a gazebo and seating. The Borough is 2.15 square miles (2 +/- acres), and thus the active sites represent a total of 0.45% and the passive sites represent a total of 0.04% of the land area of the Borough. Overall, these sites comprise 0.49% of the Borough, which is significantly lower than the total 6% of allowed excludable area.

b. *Consideration of Environmentally Sensitive Land and the Laws that Regulate Them*

Round 2 rules, per N.J.A.C. 5:93-4.2(e)2.ii., identify that "flood hazard areas as defined in N.J.A.C. 7:13" are applicable. Per the most up-to-date Flood Hazard Area Control Act Rules 7:13-4.1,

specific regulations regarding the treatment of all regulated water are defined, including the following:

“(a) A riparian zone is the land and vegetation within and adjacent to a regulated water. Riparian zones exist along both sides of every regulated water and include the regulated water itself, except as provided at N.J.A.C. 7:13-2.3(c)1. The extent of a riparian zone is determined in accordance with (b) through (h) below.

(b) The portion of the riparian zone located outside of a regulated water is measured landward from the top of bank.

(c) The width of the riparian zone is as follows:

1. The width of the riparian zone along any regulated water designated as a Category One water, and all upstream tributaries situated within the same HUC-14 watershed, is 300 feet;

2. Except for the regulated waters listed at (c)1 above, the width of the riparian zone along the following regulated waters is 150 feet:

i. Any trout production water and all upstream waters (including tributaries);

ii. Any trout maintenance water and all upstream waters (including tributaries) located within one mile of a trout maintenance water (measured along the length of the regulated water); and

iii. Any segment of a water flowing through an area that contains a threatened or endangered species, and/or present or documented habitat for those species, which is critically dependent on the regulated water for survival, and all upstream waters (including tributaries) located within one mile of such habitat (measured along the length of the regulated water). A list of critically dependent species is available from the Department at the website set forth at N.J.A.C. 7:13-1.3; and

3. For all other regulated waters not identified in (c)1 or 2 above, the width of the riparian zone is 50 feet.”

State and Federal laws and regulations related to environmentally sensitive conditions have been updated or adopted since the inception of the Round 2 rules. These include the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.); Section 404 of the Federal Clean Water Act (33 U.S.C. §§ 1251 through 1375); Category One waterway constraints pursuant to N.J.A.C. 7:9B, 7:8, 7:13 and 7:15; flood hazard constraints as defined in N.J.A.C. 7:13. As State and Federal law, it is sensible that these same regulations would apply to vacant land to be developed with affordable housing, and thus have been applied as part of this analysis. It is interesting to note that as COAH fine-tuned its regulations in Round 3, it made many of these laws and regulations explicit - which was, at the very least, implicit in Round 2 - by excluding lands or portions of such that could not be developed because of additionally regulated encumbrances.

c. Exclusion of Approved or Built Sites

Given that the purpose of the RDP is to determine the number of affordable units that could realistically be generated through inclusionary rezonings, this report will not treat sites that have been approved for development or developed with new construction as contributing to the RDP. In particular, the Round 1 and Round 2 COAH regulations are not specific about privately-owned sites which have received approvals since the municipality’s “petition” – and in the case of the Third Round, since a Declaratory Judgement action was filed with the Court – and if these sites may be excluded as part of the Vacant Land Adjustment. However, as demonstrated by COAH’s handling

of the Borough's Round 2 petition, COAH practice is not to count a site that has been approved for development at the time that COAH staff is extrapolating the RDP for the municipality. A municipality cannot stop a landowner or developer from securing the right to develop their land, and a municipality would not create a realistic opportunity for the construction of any affordable housing by rezoning an approved site for an inclusionary project. Also, per N.J.A.C. 5:93-4.2(e)6, "Individual sites that the Council determines are not suitable for low and moderate income housing may also be eliminated from the inventory..."

More specifically, the site known as Block 124, Lot 7 located at 737 Boulevard, was identified as a vacant site in earlier iterations of the Borough Vacant Land Adjustment. However, the owner secured approval to develop its site and the site is fully developed. Therefore, the site has been excluded from the RDP.

d. Other Sites Under Consideration

A large number of the privately-owned vacant sites in Kenilworth have been rendered undevelopable based solely upon the fact that they are undersized lots that cannot accommodate at least five (5) dwelling units; while others have been excluded because of excessive environmental encumbrances. Additionally, various sites in the Borough have been observed to be located in proximity to the backyards of existing residences while also being landlocked and without access to a right-of-way. Block 101, Lots 26-33 and Block 101, Lots 35-40 have been excluded from the Borough's RDP calculation for this reason.

IV. Vacant and "Developable" Parcels

The vacant and "developable" properties provided in the Borough's land inventory which cannot be excluded due to the criteria specified above and per the New Jersey Fair Housing Act (N.J.S.A. 52:27D-310.1), as amended by P.L. 2024, c.2, and COAH Round 2 Substantive Rules (N.J.A.C. 5:93-4.2) are determined to have the potential for the development, and therefore are to be included in the Borough's RDP. These sites include:

1. Block 15, Lots 5.02, 5.03, & 5.04
2. Block 50, Lots 8.01 & 8.02
3. Block 146, Lots 13-18
4. Block 162, Lots 12 & 155.
5. Block 180, Lot 2

1. **Block 15, Lots 5.02, 5.03, & 5.04**
335, 339, 343 North 18th Street



Figure 2: Aerial Map of Block 15, Lots 5.02, 5.03, & 5.04

Block 15, Lots 5.02, 5.03, and 5.04 are three (3) contiguous parcels. Lots 5.03 and 5.04 are under the same ownership; Lot 5.02 has a different owner. These sites have access from North 18th street and are surrounded by residential and recreational uses. The residences are largely made up of single-family homes. These parcels are bounded to the north by Black Brook Park. Aerial imagery shows that the sites are currently vacant and not in use.

2. **Block 50, Lots 8.01 & 8.02**
135 & 139 North 21st Street

Block 50, Lots 8.01 and 8.02 are two (2) contiguous parcels located along North 21st Street. They are under the same ownership and have a combined acreage of 0.284 acres. The two parcels are surrounded by single-family homes. Aerial imagery shows that the sites are currently vacant and not in use.



Figure 3: Aerial Map of Block 50, Lots 8.01 & 8.02

3. **Block 146, Lots 13-18**
522, 526, 532, 534, 542, & 544 Summit Ave

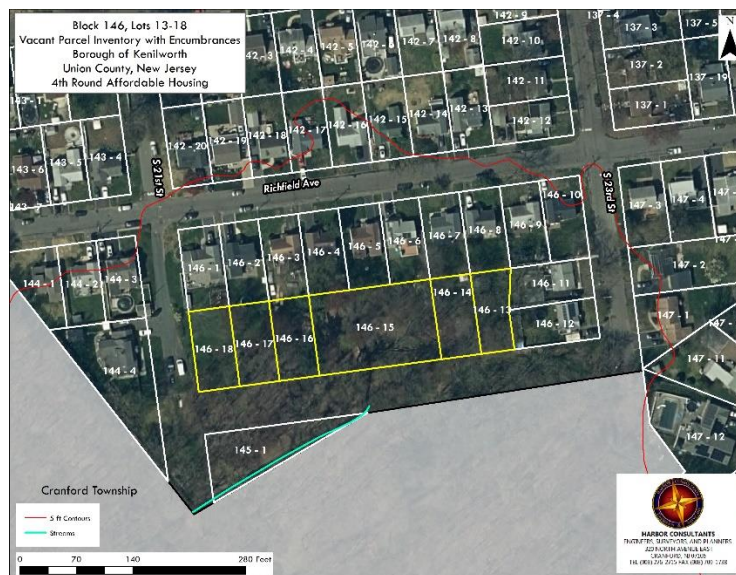


Figure 4: Aerial Map of Block 146, Lots 13-18

Block 146, Lots 13, 14, 15, 16, 17, and 18 are six (6) separate contiguous parcels. All 6 parcels are owned by the Borough of Kenilworth except for one: Block 146, Lot 16, which is owned by a private party. These are vacant parcels located in an area behind existing residences, near the Borough's border with the Township of Cranford. Combined, these parcels have a total acreage of 0.903 acres. There is no direct access to these sites from Summit Ave; however, there is access from the sites from South 21st Street through Block 146, Lot 18. There are no environmental constraints on these properties and aerial imagery reflects that these parcels are vacant and have not been in use for some time.

4. **Block 162, Lots 12 & 15**
 283 South Michigan Ave & 683 Woodland Ave



Figure 5: Aerial Map of Block 162, Lots 12 & 15

Block 162, Lots 12 & 15 are two (2) separate parcels that are perpendicular to each other. Block 162, Lot 12 is owned by a private company. Block 162, Lot 15 is owned by the Borough of Kenilworth. They are both vacant and are surrounded by single-family homes. To the west of the properties is Garden State Parkway. There is no direct access to Block 162, Lot 15; however, there is access to this parcel through Block 162, Lot 12 from Michigan Ave. There are no environmental constraints on these properties and aerial imagery reflects that they are currently not in use.

5. **Block 180, Lot 2**
 157 Sumner Avenue

Block 180, Lot 2 is located at 157 Sumner Avenue and is comprised of approximately 0.60 acres, according to tax assessor data. The site is currently vacant and undeveloped and has frontage on/access from Sumner Avenue, which acts as a municipal border between Kenilworth and neighboring Roselle Park Borough to the immediate south. Lot 2 is largely surrounded by office/industrial uses on the Kenilworth side, but there are single-family residences across Sumner Avenue.

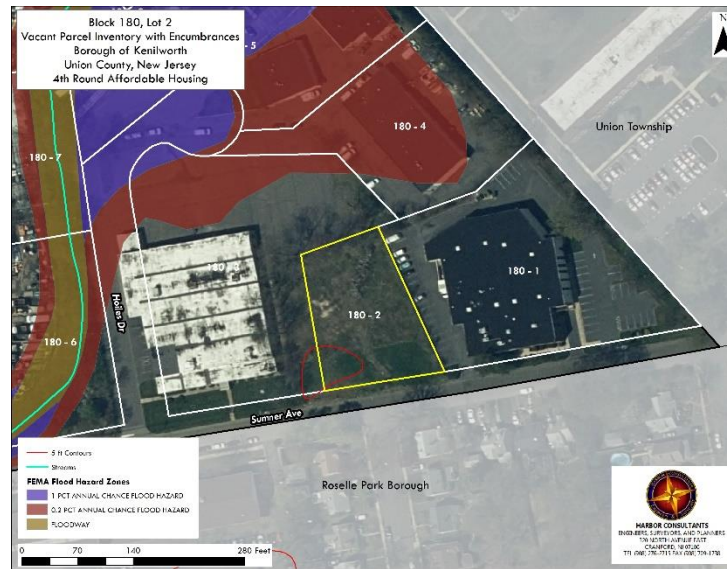


Figure 6: Aerial Map of Block 180, Lot 2

It is still undetermined if there are any other environmental constraints besides the flood plain on the property. According to the lot dimensions for this site it is estimated that a density of 10 units per acre may be able to be accommodated on the combined property, resulting in a yield of 0.60 acres x 10 units per acre = 6 total units. The affordable set-aside of 20% for this property would yield 1 unit towards the RDP.

The following map in *Figure 7 (See Exhibit B)* depicts the developable vacant parcels that were included as part of the Borough RDP calculation.

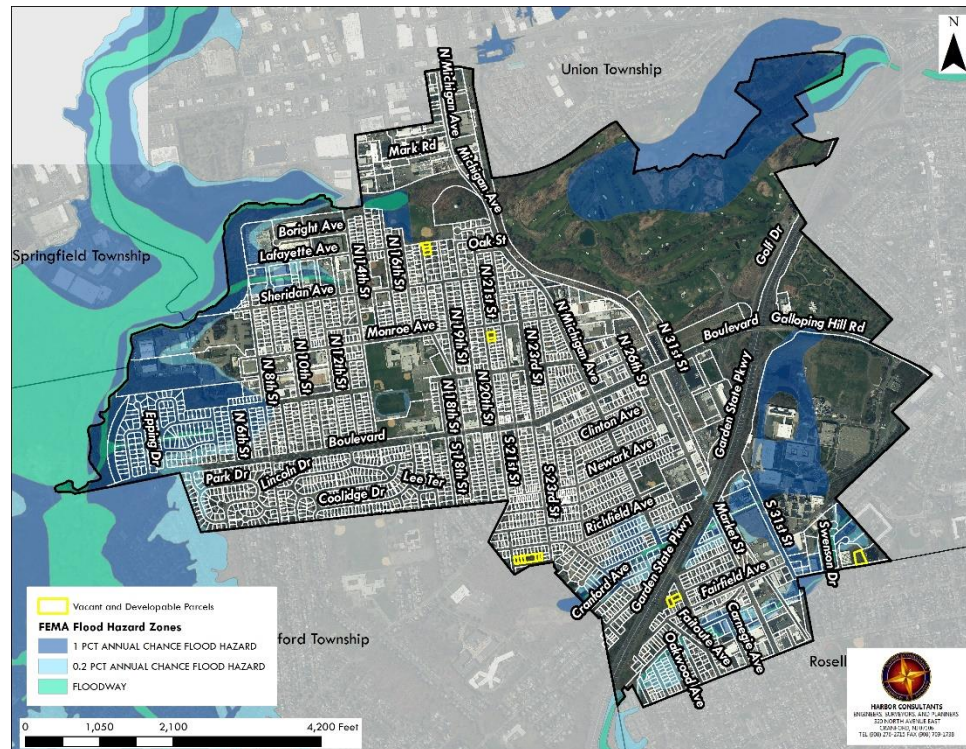


Figure 7: Map of Vacant and “Developable” Properties

Table 1 below depicts the vacant and “developable” sites contributing to the Borough’s RDP:

Table 1: Developable Parcels Found to Contribute to the Borough RDP Borough of Kenilworth							
Block	Lot	Comments/Discussion	Zone	Total Area (acres)	Unconstrained Area	Density (du/ac)	# of Affordable Units
15	5.02, 5.03, & 5.04	Block 15, Lots 5.02, 5.03, and 5.04 can be combined; vacant land with surrounding single-family homes, adjacent to Black Brook Park	R-6	0.37	0.37	10	1
50	8.01 & 8.02	Block 50, Lots 8.01 and 8.02 can be combined. Surrounded by single-family homes, no environmental constraints.	R-5	0.284	0.284	10	1
146	13-18	Block 146, Lots 13-18 are contiguous and can be combined; located behind existing residences. No access to sites from Summit Ave but access from South 21 st Street through Block 146, Lot 18. No environmental constraints.	R-5	0.903	0.903	10	2
162	12 & 15	Block 162, Lots 12 and 15 can be combined. Vacant parcel surrounded by single-family homes with Garden State Parkway to the east. No environmental constraints.	R-5A	0.43	0.43	10	1
180	2	Vacant and Undeveloped Land with access from Sumner Ave.	I	0.60	0.60	10	1

Land Contributing Toward the RDP	2.6		
Total RDP (20% Set-aside)			6 units

V. Developed Sites Determined to Contribute to the Borough RDP

This report identified three categories of sites that may generate an RDP under COAH's Round 2 regulations and the Cherry Hill case: (i) vacant sites; (ii) underutilized sites; and (iii) developed sites that may nonetheless generate an RDP depending upon the facts and circumstances surrounding the site.

The following sites in Table 2 below concern this third category. While not vacant or undeveloped, the owners of the sites have indicated their desire to redevelop and the Borough has considered the sites and determined an appropriate RDP to assign to the site based upon the premise that 20% of the units on each site would be the basis for the assignment of an RDP to each site.

Table 2: Developed and Approved Properties Determined to Generate an RDP Borough of Kenilworth								
Block	Lot	Comments/Discussion	Zone	Gross Acreage	Net Developable Acreage	Density (du/ac)	Est. Total Units	RDP
183	9	Included in the 25 North 26 th St Redevelopment Plan, adopted by the Borough Planning Board by Ordinance No. 2021-07.	I	3.79	3.79	43.5*	165	25
Total RDP (20%)								25
* Density established as per the Redevelopment Plan adopted by Ordinance No. 2021-07.								

Block 183, Lot 9

25 North 26th Street

Block 183, Lot 9 is located at 25 No. 26th St and is comprised of approximately 3.79 acres, according to tax assessor data. Lot 9 is located in the Industrial zone and abuts the Commercial zone to its direct south, and the Park zone (15C property) to the direct east. Lot 9 is an underutilized site, currently being used as an outdoor storage area for materials and equipment.

The property is largely surrounded by fully developed industrial sites in the immediate area. Per N.J.A.C. 5:93-4.2(f), "The Council shall consider the character of the area surrounding each site and the need to provide housing for low- and moderate-income households in establishing densities and set-asides for each site, or part thereof, remaining in the inventory". It is still undetermined if there are any other environmental constraints on the property. According to the lot dimensions for this site it is estimated that a density of 43.5 units per acre may be able to be accommodated on the combined property, resulting in a yield of 3.79 acres x 43.5 units per acre = 165 total units. The affordable set-aside of 15% for this property would yield 25 units towards the RDP.

This site is the subject of the 25 North 26th Street Redevelopment Plan, which was adopted by the Borough of Kenilworth Planning Board on June 9, 2021, by Ordinance No. 2021-07. The site was determined to be a non-condemnation area in need of redevelopment. The purpose of the Redevelopment Plan is for the development of inclusionary affordable housing.

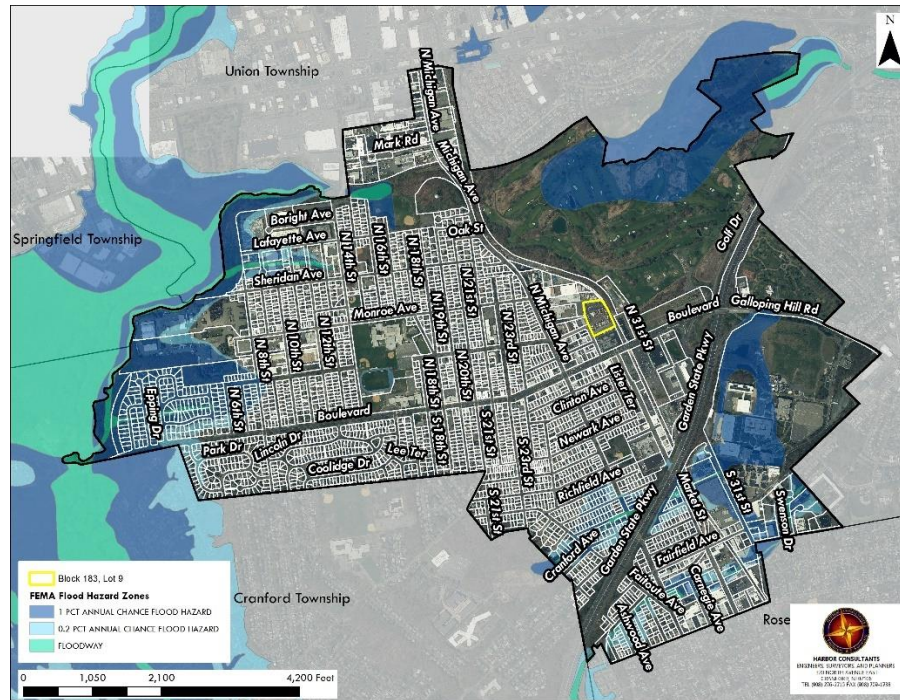


Figure 8: Map of Developed or Approved Properties Generating an RDP

VI. “Likely to Redevelop” Properties

Per N.J.S.A. 52:27D-310.1, as amended by P.L. 2024, c.2, “Any municipality that receives an adjustment of its prospective need obligations for the fourth round or subsequent rounds based on a lack of vacant land shall, as part of the process of adopting and implementing its housing element and fair share plan, identify sufficient parcels likely to redevelop during the current round of obligations to address at least 25 percent of the prospective need obligation that has been adjusted and adopt realistic zoning that allows for such adjusted obligation, or demonstrate why the municipality is unable to do so.”

Table 3 below details the properties the Borough has identified as “likely to redevelop” during the Fourth Round which are to be counted towards the Borough’s compliance with the requirements of N.J.S.A. 52:27D-310.1.

Table 3: Sites “Likely to Redevelop” Borough of Kenilworth						
Block	Lot	Address	Owner	Gross Acreage	Net Developable Acreage	Comments/Discussion
183	9	25 North 26 th St	Kenilworth Redevelopers Urban Renew	3.79	3.79	Redevelopment plan adopted.

56	9.01	120 North 13 th St	North Holdings NY LLC	4.33	4.33	Former National Tool Site
58	4	234 North 12 th St				
59	1-3	109 North 10 th St; 50 Washington Ave; 56 Washington Ave				



Figure 9: Aerial Map of “Likely to be Redeveloped” Site (Former National Tool Site)

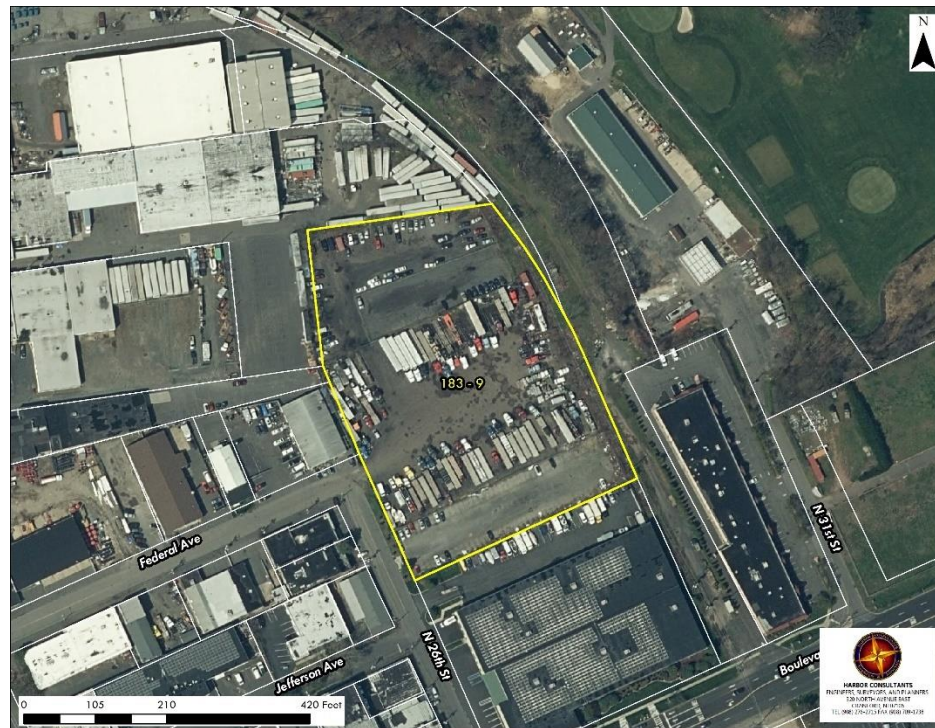


Figure 10: Aerial Map of “Likely to be Redeveloped” Site (Block 183, Lot 9)

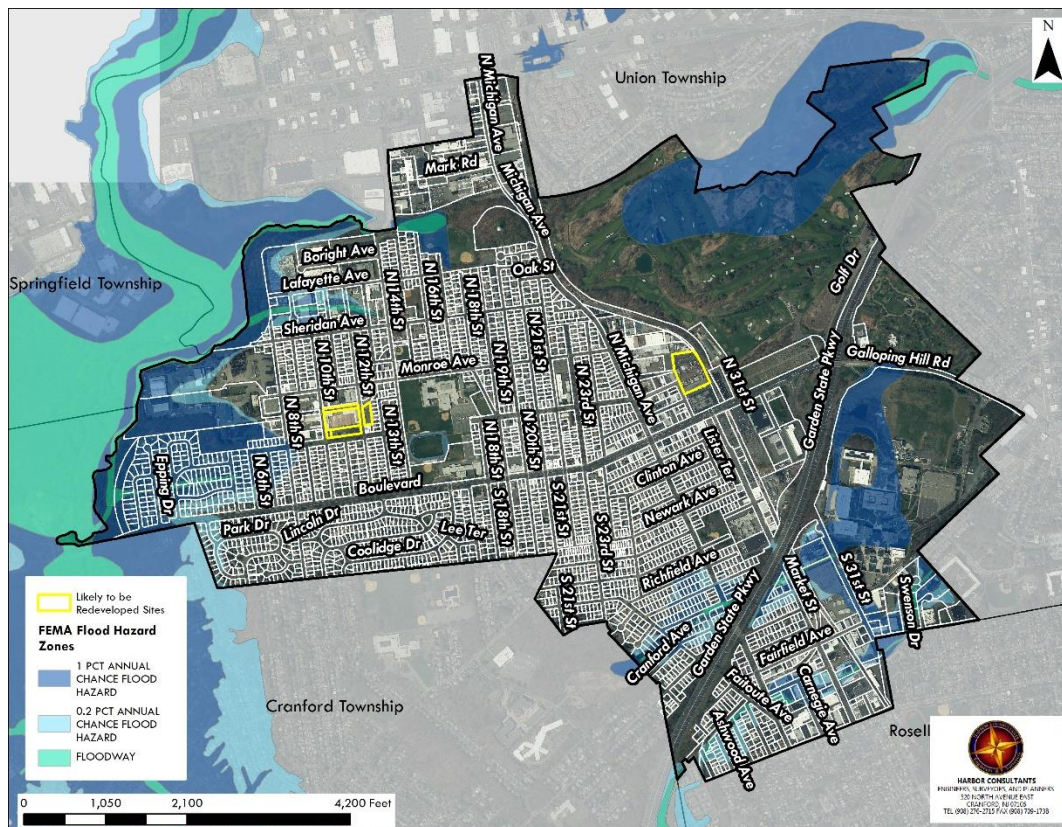


Figure 11: Borough Aerial Map of Sites “Likely to be Redeveloped”

VII. Summary

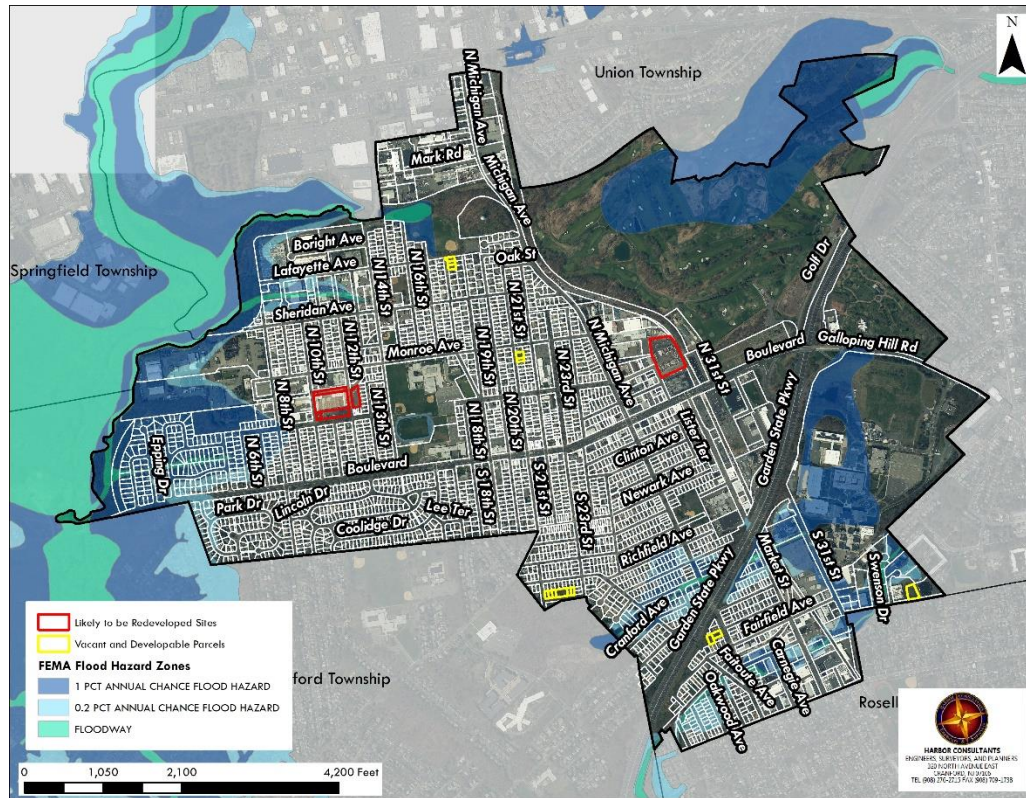
Based on the Borough's evaluation of its vacant land inventory and analysis of realistic development opportunities per P.L. 2024, c.2 and as described above, an RDP of 31 affordable units has been calculated for the Borough.

This analysis represents a realistic number of units based on a detailed and discerned parcel analysis that neither inflates nor deflates the amount of "developable" land in Kenilworth.

Table 3 below depicts the final properties considered in the Borough RDP:

Table 4: RDP Summary Borough of Kenilworth					
Vacant Developable Properties Contributing to the Borough's RDP					
Block	Lot	Comments/Discussion	Net Developable Area (ac)	Density (du/ac)	RDP
15	5.02, 5.03, & 5.04	Block 15, Lots 5.02, 5.03, and 5.04 can be combined; vacant land with surrounding single-family homes, adjacent to Black Brook Park.	0.37	10	1
50	8.01 & 8.02	Block 50, Lots 8.01 and 8.02 can be combined. Surrounded by single-family homes, no environmental constraints.	0.284	10	1
146	13- 18	Block 146, Lots 13-18 are contiguous and can be combined; located behind existing residences. No access to sites from Summit Ave but access from South 21 st Street through Block 146, Lot 18. No environmental constraints.	0.903	10	2
162	12 & 15	Block 162, Lots 12 and 15 can be combined. Vacant parcels surrounded by single-family homes with Garden State Parkway to the east. No environmental constraints.	0.43	10	1
180	2	Vacant and undeveloped land with access from Sumner Ave.	0.6	10	1
Developed or Approved Properties Contributing to the Borough's RDP					
Block	Lot	Comments/Discussion	Net Developable Area	Density	RDP
183	9	Included in the 25 North 26 th St Redevelopment Plan, adopted by the Borough Planning Board by Ordinance No. 2021-07.	3.79	43.5*	25
Sites "Likely to be Redeveloped"					
Block	Lot	Comments/Discussion	Net Developable Area	Density	RDP
183	9	Included in the 25 North 26 th St Redevelopment Plan, adopted by the Borough Planning Board by Ordinance No. 2021-07.	3.79	43.5*	25
56	9.01	Former National Tool Site	4.33	15	

58	4				
59	1-3				
RDP (20% Set-aside)					31
* Density established as per the Redevelopment Plan adopted by Ordinance No. 2021-07.					



VIII. Reference List

Borough of Kenilworth Tax Assessor (2025). “Kenilworth Class 1 Properties”.

Borough of Kenilworth Tax Assessor (2025). “Kenilworth 15C Properties”

Borough of Kenilworth Tax Assessor (2025). “Kenilworth Class 1 Properties”.

Borough of Kenilworth Tax Assessor (2025). “Kenilworth Class 15A and 15C Properties”.

N.J.A.C. 18:12-2.2 Property Classifications with Definitions. Retrieved from:
<https://casetext.com/regulation/new-jersey-administrative-code/title-18-treasury-taxation/chapter-12-local-property-tax-general/subchapter-2-preparation-of-local-property-tax-list-and-duplicate/section-1812-22-property-classifications-with-definitions>

N.J.A.C. 7:9B Surface Water Quality Standards,
https://dep.nj.gov/wp-content/uploads/rules/rules/njac7_9b.pdf

N.J.A.C. 7:13 Flood Hazard Control Act Rules,
https://dep.nj.gov/wp-content/uploads/rules/rules/njac7_13.pdf

P.L. 2024, Chapter 2,
https://pub.njleg.state.nj.us/Bills/2024/PL24/2_.PDF

Substantive Rules of The New Jersey Council on Affordable Housing (2002). Chapter 93 Subchapter 4. COAH. <https://www.nj.gov/dca/divisions/lps/hss/statsandregs/593.pdf>

Fair Housing Act P.L. 2024 c2

i. Mapping References

FEMA National Flood Hazard Layer. <http://fema.maps.arcgis.com/home/>

New Jersey Geographic Information Network (NJGIN). Municipality Boundaries of New Jersey. https://njgin.state.nj.us/NJ_NJGINExplorer/jviewer.jsp?pg=DataDownloads

New Jersey Geographic Information Network (NJGIN). State Boundary of New Jersey. https://njgin.state.nj.us/NJ_NJGINExplorer/jviewer.jsp?pg=DataDownloads

New Jersey Geographic Information Network (NJGIN). Union County Parcels. <https://njgin.state.nj.us/>

Borough of Kenilworth

Vacant Land Analysis

IX. EXHIBITS

Block	Lot	Qual	Class	Location	Owner	Mailing Address	Mailing City/State/Zip	Assessment	Acres
1	7	15C	15C	615 NO MICHIGAN AVE REAR	STATE OF NEW JERSEY	DEPT. OF TRANS.-CN 600	TRENTON, N J 08625	46000	0.201000005
1	11	15C	15C	495 NO MICHIGAN AVE	COUNTY OF UNION ADMIN BLDG	DEPT - PARKS & RECREATION	ELIZABETH, N J 07207	166000	1.659999967
2	8			1 640 NO MICHIGAN AVE	RT 1 MICH AVE CORP	944 SAVITT PL	UNION, N J 07083	190100	0.331999987
2	16			1 618 NO MICHIGAN AVE REAR	THREE V CO	944 SAVITT PLACE	UNION, N J 07083	111300	0.444999993
2	21			1 25 COLUMBUS AVE REAR	25 COLUMBUS AVENUE, LLC	36 EDGEBORO RD	EAST BRUNSWICK, NJ 08816	5000	0.064000003
2	22			1 25 COLUMBUS AVE	25 COLUMBUS AVENUE, LLC	36 EDGEBORO RD	EAST BRUNSWICK, NJ 08816	20700	0.057399999
3	6			1 2 MARK RD	MARK 11 ROAD LLC	2 MARK RD	KENILWORTH, NJ 07033	182500	0.726499975
4	1	15C	15C	500 NO MICHIGAN AVE	COUNTY OF UNION ADMIN BLDG	DEPT - PARKS & RECREATION	ELIZABETH, N J 07207	1869000	18.55999947
4	1.01			1 480 NO MICHIGAN AVE	ELIZABETHTOWN WATER %AMERICAN WATER	PO BOX 2738	CAMDEN, NJ 08101	522600	6.469999979
6	1	15C	15C	501 NO 14TH ST	COUNTY OF UNION ADMIN BLDG	DEPT - PARKS & RECREATION	ELIZABETH, N J 07207	7286000	36.430000031
6	1.02			15C 242 NO 7TH ST	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, N J 07033	6000	0.043000001
7	4			1 300 NO 8TH ST REAR	TRUKOWSKI, SHELLY A	250 NO 8TH ST	KENILWORTH, N J 07033	6900	0.064999998
8	1	15C	15C	395 NO 8TH ST	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, N J 07033	204900	0.229599997
8	7	15C	15C	306 NO 9TH ST	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, N J 07033	82800	0.229599997
8	24	15C	15C	36 LAFAYETTE PL	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, N J 07033	4000	0.045899998
10	1			1 339 NO 12TH ST	BRENT MATERIAL CO	325 COLUMBIA TPKE,STE 308	FLORHAM PARK, NJ 07932	273700	1.840000033
11	2			1 315 NO 13TH ST	BRENT MATERIAL CO	325 COLUMBIA TPKE,STE 308	FLORHAM PARK, NJ 07932	156700	0.746100008
11	4			1 302 NO 14TH ST	BRENT MATERIAL CO	325 COLUMBIA TPKE,STE 308	FLORHAM PARK, NJ 07932	42800	0.114799999
12	5			1 301 NO 15TH ST	UNITED REALTY, LLC	315 N 14TH ST	KENILWORTH, N J 07033	7100	0.071699999
12	6	15C	15C	300 NO 16TH ST	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, N J 07033	322000	1.610000014
13	15			1 320 NO 17TH ST	CROWN, CLINTON J & WINIFRED M	324 NO 17TH ST	KENILWORTH, N J 07033	5700	0.057399999
14	18			1 308 NO 18TH ST	MICHALSKI, KENNETH & NANCY L	450 SHERIDAN AVE	KENILWORTH, N J 07033	5700	0.057399999
15	5.02			1 335 NO 18TH ST	JOE RIZZO BUILDERS LLC	212 NORTH 21ST ST	KENILWORTH, NJ 07033	72000	0.120499998
15	5.03			1 339 NO 18TH ST	VINCENT PAPARATTO REALTY CO, INC	295 NO MICHIGAN AVE	KENILWORTH, NJ 07033	73700	0.137700006
15	5.04			1 343 NO 18TH ST	VINCENT PAPARATTO REALTY CO, INC	295 NO MICHIGAN AVE	KENILWORTH, NJ 07033	73400	0
15	5.07			1 328 NO 19TH ST	VINCENT PAPARATTO REALTY CO, INC	295 NO MICHIGAN AVE	KENILWORTH, NJ 07033	75300	0.153099999
15	7	15F	15F	316 NO 19TH ST	MOELLER, JOHN R & MARIAN N-TRUSTEES	316 N 19TH ST	KENILWORTH, NJ 07033	212200	0.172199994
19	10	15C	15C	302 NO MICHIGAN AVE	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, NJ 07033	4600	0.062399998
22	7.02			1 235 NO 19TH ST	EH TRUST-BC DAVID TRUST % INFANTINO	6 MOSS ST	WESTFIELD, NJ 07090	71400	0.114799999
24.01	6			1 231 NO 8TH ST	MATHIS, OLLIE C/O WILLA, DAVIS	1628 FRONT ST	SCOTCH PLAINS, N J 07076	8000	0.080300003
24.02	2			1 290 MONROE AVE	G.M.P. PROPERTIES, LLC	292 MONROE AVE	KENILWORTH, NJ 07033	120000	0.137700006
24.03	12	15C	15C	247 NO 10TH ST	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, NJ 07033	63500	0.068899997
27	5.01			1 356 MONROE AVE	THUNDAR PROPERTIES LLC	7 RED MAPLE LANE	KENILWORTH, NJ 07033	75000	0.114799999
30	6	15C	15C	240 NO 14TH ST	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, N J 07033	182700	0.2755
300	1	15C	15C	2500 ROUTE 22	STATE OF NEW JERSEY	DEPT. OF TRANS. CN 600	TRENTON, N J 08625	0	0
31	1	15C	15C	239 NO 14TH ST	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH N J 07033	319800	0.917999983
31	2	15C	15C	234 NO 15TH ST	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, N J 07033	70600	0.229599997
32	4	15C	15C	229 NO 14TH ST	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, N J 07033	411800	0
33	7	15C	15C	229 NO 15TH ST	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, N J 07033	5700	0.057399999
34	1	15C	15C	239 NO 15TH ST	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH N J 07033	412400	0.860000014
34	2	15C	15C	230 NO 16TH ST	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, NJ 07033	5700	0.057399999
34	3	15C	15C	234 NO 16TH ST	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, N J 07033	70600	0.229599997
36	5			1 219 NO 16TH ST	PARDUCCI, ROBERT A & CYNTHIA	219 NO 16TH ST	KENILWORTH, N J 07033	5700	0.057399999
33	2.0101			1 203 NO 15TH ST	FDV REALTY, LLC	295 NO MICHIGAN AVE	KENILWORTH, NJ 07033	81100	0
172	7.01	15F	15F	352 SO MICHIGAN AVE	LOPEZ, NELSON & OFELIA	729 SO MICHIGAN AVE	KENILWORTH, N J 07033	172200	0
40	9			1 229 NO 18TH ST	GRUSINSKI, FRED J	227 NO 18TH ST	KENILWORTH, N J 07033	5700	0.057399999
40	17			1 204 NO 19TH ST	WOODS, GERTRUDE ESTATE - ET AL	144 NO 19TH ST	KENILWORTH, NJ 07033	53600	0.114799999
41	8			1 232 NO 20TH ST	INFANTINO, RICHARD H	6 MOSS ST	WESTFIELD, NJ 07090	71400	0.114799999
42	7.01			1 229 NO 20TH ST	RIZZO, JOSEPH SR	237 NO 20TH ST	KENILWORTH, NJ 07033	71400	0.114799999
179	8			1 SO 31ST ST - REAR	JN187CX191BX, LLC	720 BOULEVARD	KENILWORTH, NJ 07033	81300	0

47	4	15F	612 WASHINGTON AVE	TRIPODI, DOMINICK & MEGAN N	612 WASHINGTON AVE	KENILWORTH, NJ	07033	210200	0.114799999
48	15	1	1 120 NO 24TH ST	BENINATI, JOHN & ELEANOR	126 NO 24TH ST	KENILWORTH, NJ	07033	6800	0.068899997
49	1	15B	537 MONROE AVE	ST THERESA'S SCHOOL	537 MONROE AVE	KENILWORTH, NJ	07033	2883600	2.75
50	8.01	1	1 135 NO 21ST ST	VINCENT PAPARATTO REALTY CO INC	295 NORTH MICHIGAN AVE	KENILWORTH, NJ	07033	74300	0.142299995
50	8.02	1	1 139 NO 21ST ST	VINCENT PAPARATTO REALTY CO INC	295 NORTH MICHIGAN AVE	KENILWORTH, NJ	07033	74300	0.142299995
52	13	1	1 145 NO 19TH ST	GREITZ, AUSTIN & CHAVEZ-CALDERON,R	146 NO 20TH ST	KENILWORTH, NJ	07033	5400	0.057399999
53	1	15C	120 NO 19TH ST	KENILWORTH VOL FIRE DEPT.	120 NO 19TH ST	KENILWORTH, NJ	07033	197500	0.284700006
54	1	15A	425 MONROE AVE	BOARD OF EDUCATION	426 BOULEVARD AV	SPRINGFIELD, NJ	07081	12093000	21.25900078
54	12	15A	400 BOULEVARD	BOARD OF EDUCATION	426 BOULEVARD	KENILWORTH, NJ	07033	5767200	7.659999847
56	7	15F	364 FRANKLIN AVE	TRAMER, FRED & LOUISE A	364 FRANKLIN AVE	KENILWORTH, NJ	07033	181700	0.0902
56	14	1	1 76 WASHINGTON AVE	NORTH HOLDINGS NY LLC	51 FOREST RD, SUITE 316	MONROE, NY	10950	18400	0.091799997
56	15	1	1 74 WASHINGTON AVE	NORTH HOLDINGS NY LLC	51 FOREST RD, SUITE 316	MONROE, NY	10950	9200	0.045899998
56	16	1	1 72 WASHINGTON AVE	NORTH HOLDINGS NY LLC	51 FOREST RD, SUITE 316	MONROE, NY	10950	9200	0.045899998
56	17	1	1 70 WASHINGTON AVE	NORTH HOLDINGS NY LLC	51 FOREST RD, SUITE 316	MONROE, NY	10950	9200	0.045899998
58	3	1	1 120 NO 12TH ST	AIR SYSTEMS DEVELOPMENT CO, INC	135 N 10TH ST	KENILWORTH, NJ	07033	22200	0.206599995
58	4	1	1 234 NO 12TH ST	NORTH HOLDINGS NY LLC	51 FOREST RD, SUITE 316	MONROE, NY	10950	141900	0.516499996
59	3	1	1 56 WASHINGTON AVE	NORTH HOLDINGS NY LLC	51 FOREST RD, SUITE 316	MONROE, NY	10950	179100	0.413199991
63	9	15F	90 PEMBROOK DR	90 PEMBROOK DR CO	90 PEMBROOK DR	KENILWORTH, NJ	07033	165200	0.137700006
65	1	15C	50 BOULEVARD	COUNTY OF UNION ADMIN BLDG	DEPT - PARKS & RECREATION	ELIZABETH, NJ	07207	768700	10.25
65	2	1	1 100 BOULEVARD	ELIZABETHTOWN WATER %AMERICAN WATER	PO BOX 2738	CAMDEN, NJ	08101	25000	2.589999914
72	26	1	1 244 BOULEVARD	ANTAO, MANUEL G - ANTAO, LOUIS G	65 POTOMAC DR	BASKING RIDGE, NJ	07920	60700	0.114799999
73	26	1	1 14 NO 9TH ST	PAULINO, ALEX & RIGAMONTE, ROSELE	12 NO 9TH ST	KENILWORTH, NJ	07033	5700	0.057399999
74	4	1	1 11 NO 9TH ST	NATIELLO, FRANK	13 NO 9TH ST	KENILWORTH, NJ	07033	5700	0.057399999
76	13	1	1 44 NO 12TH ST	CASTILLO, JORGE A FLORES	40 NO 12TH ST	KENILWORTH, NJ	07033	5700	0.057399999
77	1	15F	340 BOULEVARD	STALLINGS, KAREN C & FRANK J	340 BOULEVARD	KENILWORTH, NJ	07033	160400	0.114799999
79	8.03	1	1 47 NO 18TH ST	FDV REALTY, LLC	295 N MICHIGAN AVE	KENILWORTH, NJ	07033	71400	0.114799999
80	9	15C	485 WASHINGTON AVE	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, NJ	07033	419300	0.230000004
82	23	15F	36 NO 22ND ST	KOERNER, HELEN A	36 NO 22ND ST	KENILWORTH, NJ	07033	178300	0.114799999
82	28	15C	526 BOULEVARD	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, NJ	07033	648900	0.389999986
83	3	15C	548 BOULEVARD	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, NJ	07033	667900	0
83	4	15C	11 NO 22ND ST	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, NJ	07033	71400	0.114799999
83	24	1	1 10 NO 23RD ST	550 BOULEVARD,LLC % BENDER	1 MILTOWN COURT	UNION, NJ	07083	50000	0.045899998
84	1.01	1	1 568 BOULEVARD	MAS HOLDINGS,LLC	572 BOULEVARD	KENILWORTH, NJ	07033	68600	0.102600001
84	2	1	1 566 BOULEVARD	MAS HOLDINGS,LLC	572 BOULEVARD	KENILWORTH, NJ	07033	67400	0.0744
88	2	1	1 707 JEFFERSON AVE	MO GO, LLC	701 JEFFERSON AVE	KENILWORTH, NJ	07033	33000	0.045899998
96	18	1	1 67 LOCUST DR	FDV REALTY, LLC	295 NO MICHIGAN AVE	KENILWORTH, NJ	07033	5000	0.0184
98	11	15F	343 BOULEVARD	JEANS, ROBERT E & LENORE J	343 BOULEVARD	KENILWORTH, NJ	07033	196100	0.114799999
99	2	15F	320 ROOSEVELT LANE	SIMS, DANIEL F & MARIA	320 ROOSEVELT LANE	KENILWORTH, NJ	07033	281400	0.114799999
100	12	15C	67 ARBOR ST	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, NJ	07033	600	0.059700001
101	8	15F	331 COOLIDGE DR	SPRANGER, DAVID J & ALLISON J	331 COOLIDGE DR	KENILWORTH, NJ	07033	177400	0.128600001
101	17	1	1 367 COOLIDGE DR	ELSHIEKH ENTERPRISES LLC	12 VIA VITALE	KENILWORTH, NJ	07033	72800	0.128600001
101	26	15C	385 COOLIDGE DR REAR	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, NJ	07033	3200	0.031199999
101	27	15C	385 COOLIDGE DR REAR	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, NJ	07033	3200	0.0307
101	28	15C	385 COOLIDGE DR REAR	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, NJ	07033	3000	0.030099999
101	29	15C	385 COOLIDGE DR REAR	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, NJ	07033	3000	0.0297
101	30	15C	379 COOLIDGE DR REAR	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, NJ	07033	6000	0.060800001
101	31	1	1 375 COOLIDGE DR REAR	SQUILLARO, JOSEPH - JARASZ, AGNES	375 COOLIDGE DR	KENILWORTH, NJ	07033	5800	0.057399999
101	32	1	1 371 COOLIDGE DR REAR	DAVID, MICHELLE	371 COOLIDGE DR	KENILWORTH, NJ	07033	5600	0.056200001
101	33	1	1 367 COOLIDGE DR REAR	ELSHIEKH ENTERPRISES LLC	12 VIA VITALE	KENILWORTH, NJ	07033	5300	0.0528
37	1.02	15F	205 NO 17TH ST	RODRIGUEZ, MIKELE L & HARRISON, Q R	205 NO 17TH ST	KENILWORTH, NJ	07033	307000	0
101	35	15C	359 COOLIDGE DR REAR	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, NJ	07033	4900	0.049400002

101	36	15C	355 COOLIDGE DR REAR	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, NJ	07033	2300	0.0242
101	37	15C	355 COOLIDGE DR REAR	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, NJ	07033	2200	0.023700001
101	38	15C	351 COOLIDGE DR REAR	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, NJ	07033	2200	0.0232
101	39	15C	347 COOLIDGE DR REAR	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, NJ	07033	6500	0.064599998
101	40	15C	341 COOLIDGE DR REAR	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, NJ	07033	10700	0.428299993
107	1	15C	400 ROOSEVELT LANE	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, NJ	07033	3000	0.309899986
111	4	1	17 SO 17TH ST	SILVA, DENIS & LUCIA	21 S 17TH ST	KENILWORTH, NJ	07033	4500	0.045899998
113	19	15F	19 SO 19TH ST	VITALE, ARTHUR, JR & MICHELLE	19 SO 19TH ST	KENILWORTH, NJ	07033	231400	0.114799999
113	24	15F	39 SO 19TH ST	DELLI SANTI, DAVID	39 SO 19TH ST	KENILWORTH, NJ	07033	139900	0.114799999
113	31	15F	65 SO 19TH ST	BOLL, BARBARA	65 SO 19TH ST	KENILWORTH, NJ	07033	173000	0.137700006
113	32	15C	67 SO 19TH ST	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, NJ	07033	3200	0.034400001
116	6	15C	56 SO 21ST ST REAR	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, NJ	07033	5800	0.0092
116	12	15C	20 SO 21ST ST	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, NJ	07033	511300	0.569999993
116	13	1	16 SO 21ST ST	AREKAN, INC	567 BOULEVARD	KENILWORTH, NJ	07033	78500	0.114799999
116	17	1	11 SO 22ND ST	SSSD SATYA LLC	525 BOULEVARD	KENILWORTH, NJ	07033	125000	0.114799999
117	22	15C	551 BOULEVARD	BORO OF KENILWORTH	48820 KATO RD #500B	FREMONT, CA	94538	173900	0.183699995
117	23	15C	11 SO 23RD ST	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, NJ	07033	172100	0.114799999
118	20	15C	567 BOULEVARD	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, NJ	07033	331800	0.620000005
118	24	1	25 SO 24TH ST	RESENDE, E & BRITO, J & CUNHA, M JNTS	567 BOULEVARD	KENILWORTH, NJ	07033	2200	0.0229
119	14	15C	56 SO 24TH ST	BORO OF KENILWORTH	25 SO 24TH ST	KENILWORTH, NJ	07033	400	0.0046
124	5	1	729 BOULEVARD	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, NJ	07033	40000	0.045899998
124	7	1	737 BOULEVARD	TOCCI GROUP LLC	ONE MILLTOWN CT	UNION, NJ	07083	125000	0.114799999
130	1	15C	130 SO MICHIGAN AVE	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, NJ	07033	814500	3.490000001
132	9	15F	170 SO MICHIGAN AVE	GARCIA, JOSE ANTONIO & FRANCES D	170 SO MICHIGAN AVE	KENILWORTH, NJ	07033	216200	0.1435
138	18	1	576 QUINTON AVE	KUSTRA, WALTER	577 PASSAIC AVE	KENILWORTH, NJ	07033	73700	0.137700006
139	18	15F	586 PASSAIC AVE	CANNADY, KIERAN	586 PASSAIC AVE	KENILWORTH, NJ	07033	120700	0.057399999
145	1	15C	521 SUMMIT AVE	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, NJ	07033	20000	0.200000003
146	13	15C	544 SUMMIT AVE	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, NJ	07033	9800	0.098700002
146	14	15C	542 SUMMIT AVE	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, NJ	07033	17900	0.114799999
146	15	15C	534 SUMMIT AVE	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, NJ	07033	34400	0.344300002
146	16	1	532 SUMMIT AVE	CAMERON, JANIS	567 BOULEVARD	KENILWORTH, NJ	07033	17900	0.114799999
146	17	15C	526 SUMMIT AVE	BORO OF KENILWORTH	529 RICHFIELD AVE	KENILWORTH, NJ	07033	17900	0.114799999
146	18	15C	522 SUMMIT AVE	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, NJ	07033	17900	0.114799999
96	16.01	1	63 LOCUST DR	FDV REALTY LLC	567 BOULEVARD	KENILWORTH, NJ	07033	71400	0.114799999
148	19	1	BLOOMINGDALE & ASHFORD	COLUCCI, JOSEPH-CARDINAL, KRISTEEN	295 NO MICHIGAN AVE	KENILWORTH, NJ	07033	71500	0
150	11	15C	651 RICHFIELD AVE	BORO OF KENILWORTH	ASSESSED IN CRANFORD	ASSESSED IN CRANFORD	00000	0	0
151	16	1	685 SUMMIT AVE	BORO OF KENILWORTH	567 BOULEVARD	KENILWORTH, NJ	07033	1800	0.018300001
153	2	15F	225 SO MICHIGAN AVE	CALABRESE, LISA & DUNNE, KEVIN	683 SUMMIT AVE	KENILWORTH, NJ	07033	5400	0.057399999
154	2	15C	BLOOMINGDALE AVE	CHALENSKI, ALAN R	225 SO MICHIGAN AVE	KENILWORTH, NJ	07033	142800	0.206599995
156	5	1	740 UNION AVE	RIVERA, SOPHIA L	567 BOULEVARD	KENILWORTH, NJ	07033	1100	0.0115
157	6	1	757 UNION AVE	EGGERS LIVING TRUST	744 UNION AVE	KENILWORTH, NJ	07033	7500	0.115400001
159	4	1	709 WOODLAND AVE	DIFABIO, JOHN L	751 UNION AVE	KENILWORTH, NJ	07033	6800	0.068899997
159	12	15C	739 WOODLAND AVE	BORO OF KENILWORTH	705 WOODLAND AVE	KENILWORTH, NJ	07033	5700	0.057399999
159	22	1	734 FAIRFIELD AVE	LORDEN, LLC	567 BOULEVARD	KENILWORTH, NJ	07033	5400	0.057399999
159	25	1	724 FAIRFIELD AVE	PPF SHOP, LLC	739 FAIRFIELD AVE	KENILWORTH, NJ	07033	74200	0.137700006
159	26	1	722 FAIRFIELD AVE	PPF SHOP, LLC	306 SO MICHIGAN AVE	KENILWORTH, NJ	07033	24800	0.045899998
159	28	1	712 FAIRFIELD AVE	HEIM, GUENTER & WILLI	306 SO MICHIGAN AVE	KENILWORTH, NJ	07033	74200	0.137700006
161	3	1	732 LEXINGTON AVE	COCUZZA & SONS LANDSCAPING LLC	19 BRASSER LANE	KENILWORTH, NJ	07033	62200	0.091799997
161	5	1	744 LEXINGTON AVE	VINCENT PAPARATTO REALTY CO. INC	4 GENTRY DR	WARREN, NJ	07059	165000	0.222959997
161	6	1	750 LEXINGTON AVE	VINCENT PAPARATTO REALTY CO. INC	295 N MICHIGAN AVE	KENILWORTH, NJ	07033	99000	0.137700006
161	11.02	1	752 LEXINGTON AVE REAR	VINCENT PAPARATTO REALTY CO. INC	295 N. MICHIGAN AVE	KENILWORTH, NJ	07033	99000	0.137700006
161					295 N. MICHIGAN AVE	KENILWORTH, NJ	07033	27200	0.092100002

162	5	15C	656 FAIRFIELD AVE	STATE OF NEW JERSEY	TRENTON, N J	08625	62100	0.091799997
96	16.02	1	67 LOCUST DR	FDV REALTY LLC	KENILWORTH, NJ	07033	70800	0
162	12	1	283 SO MICHIGAN AVE	283 S MICHIGAN AVE KENILWORTH LLC	UNION, NJ	07083	69300	0.215200007
162	15	15C	683 WOODLAND AVE	BORO OF KENILWORTH	KENILWORTH N J	07033	21000	0.215200007
168	1	15C	318 ASHWOOD AVE	BORO OF KENILWORTH	KENILWORTH, N J	07033	25000	0.251399994
168	7	15F	351 OAKWOOD AVE	BONADIES, RONALD	KENILWORTH, NJ	07033	146700	0.114799999
169	1	15C	322 OAKWOOD AVE	BORO OF KENILWORTH	KENILWORTH, N J	07033	92300	0.195099995
169	19	15C	326 OAKWOOD AVE	BORO OF KENILWORTH	KENILWORTH, NJ	07033	5700	0.057399999
170	1.01	15C	325 FAITOUTE AVE	BORO OF KENILWORTH	KENILWORTH, NJ	07033	2600	0.0273
170	2	1	331 FAITOUTE AVE	RUBIERA, JOHANNY B & SANTOS,KELVIN	KENILWORTH, NJ	07033	4900	0.057399999
172	2	1	712 COLFAX AVE	708 COLFAX AVE,LLC	BASKING RIDGE, NJ	07920	133600	0.451599985
114	32.02	15F	75 SO 20TH ST	REMSON, AARON J & BANACH, JAIME R	KENILWORTH, NJ	07033	270300	0
172	13	15C	330 SO MICHIGAN AVE	BORO OF KENILWORTH	KENILWORTH, N J	07033	72000	0.1382
172	14	1	715 LEXINGTON AVE	725 LEXINGTON AVENUE,LLC % BENDER	UNION, NJ	07083	144000	0
175	1.02	1	220 SUMNER AVE REAR	ROSELLE GRANDE, LLC	LAKESWOOD, NJ	08701	15000	0.124399997
179	2	1	20 SO 31ST ST	LAKHANI ASSOCIATES LLC	BROOKLYN, NY	11201	300000	1.396999955
179	6.01	1	SO 31ST ST - REAR	131 SOUTH 31ST KENILWORTH LLC	BROOKLYN, NY	11218	133400	0
180	2	1	157 SUMNER AVE	PAPARATTO, VINCENT	KENILWORTH, NJ	07033	135000	0.600000024
33	2.0201	1	207 NO 15TH ST	FDV REALTY, LLC	KENILWORTH, NJ	07033	81100	0
57	8.01	1	NO 14TH ST & FRANKLIN AVE	UNKNOWN OWNER	KENILWORTH, NJ	00000	100	0
183	7	1	NO MICHIGAN AVE	SAMCO	KENILWORTH, NJ	07033	198500	0.818000019
183	9	1	25 NO 26TH ST	KENILWORTH REDEVELOPERS URBAN RENEW	LAKESWOOD, NJ	08701	1137000	3.789999962
184	3	15C	900 BOULEVARD	COUNTY OF UNION C/O COUNTY MANAGER	ELIZABETH, NJ	07207	23805100	226.2299957
184-A	1	1	209 NO MICHIGAN AVE REAR	ARGNAM CO.,LLC	KENILWORTH, NJ	07033	137700	0.917999983
300	3	15C	147 NO MICHIGAN AVE REAR	STATE OF NEW JERSEY	TRENTON, N J	08625	0	0.400599986
300	5	15C	873 BOULEVARD	STATE OF NEW JERSEY	TRENTON, N J	08625	0	1.750499964
300	6	15C	190 MARKET ST	STATE OF NEW JERSEY	TRENTON, N J	08625	0	2.066099882
300	7	15C	314 SO MICHIGAN AVE	STATE OF NEW JERSEY	TRENTON, N J	08625	0	1.249300003
300	8	15C	314 FAITOUTE AVE	STATE OF NEW JERSEY	TRENTON, N J	08625	0	0.272700012
300	9	15C	315 FAITOUTE AVE	STATE OF NEW JERSEY	TRENTON, N J	08625	0	1.122599959
300	10	15C	333 ASHWOOD AVE REAR	STATE OF NEW JERSEY	TRENTON, N J	08625	0	0.043400001
300	11	15C	494 COLFAX AVE REAR	STATE OF NEW JERSEY	TRENTON, N J	08625	0	0.413199991
300	12	15C	494 COLFAX AVE	STATE OF NEW JERSEY	TRENTON, N J	08625	0	0.642799973
301	1	15C	801 FAIRFIELD AVE	STATE OF NEW JERSEY	TRENTON, N J	08625	0	0.413199991
301	2	15C	821 FAIRFIELD AVE	STATE OF NEW JERSEY	TRENTON, N J	08625	0	1.23969996
183	1.04	1	740 FEDERAL AVE	730-740 FEDERAL, LLC	WHIPPANY, NJ	07981	187600	0

Number	Block	Lot	Property Class	Owner	Address	Lot Size	Constrained Area	Unconstrained	Comments/Exclusion Discussion	Area Contributing to the RDP	RDP Units (20% set-aside)
1	1	7	15C	STATE OF NEW JERSEY COUNTY OF UNION ADMIN BLDG	615 NO MICHIGAN AVE REAR	0.201	0.0	0.201	Sliver parcel along railroad tracks	0.0	
2	1	11	15C		495 NO MICHIGAN AVE	1.660	0.0	1.66	ROSI "Black Brook Park"	0.0	
3	2	8	1	RT 1 MICH AVE CORP	640 NO MICHIGAN AVE	0.332	0.0	0.332	Lot being used as a parking lot	0.0	
4	2	16	1	THREE V CO	618 NO MICHIGAN AVE REAR	0.445	0.0	0.445	Developed as a parking lot	0.0	
5	2	21	1	25 COLUMBUS AVENUE, LLC	25 COLUMBUS AVE REAR	0.064	0.0	0.064	Undersized	0.0	
6	2	22	1	25 COLUMBUS AVENUE, LLC	25 COLUMBUS AVE	0.057	0.0	0.057	Undersized	0.0	
7	3	6	1	MARK 11 ROAD LLC	2 MARK RD	0.726	0.326	0.4	Used as storage site for adjacent business	0.0	
8	4	1	15C	COUNTY OF UNION ADMIN BLDG	500 NO MICHIGAN AVE	18.560	4.5	14.06	ROSI "Black Brook Park"	0.0	
9	4	1.01	1	ELIZABETHTOWN WATER %AMERICAN WATER	480 NO MICHIGAN AVE	6.470	0.0	6.47	Water tower on site	0.0	
10	6	1	15C	COUNTY OF UNION ADMIN BLDG	501 NO 14TH ST	36.430	13.5	22.93	ROSI "Black Brook Park"	0.0	
11	6	1.02	15C	BORO OF KENILWORTH	242 NO 7TH ST	0.043	0.0	0.043	Undersized	0.0	
12	7	4	1	TRUKOWSKI, SHELLY A	300 NO 8TH ST REAR	0.065	0.0	0.065	Undersized	0.0	
13	8	1	15C	BORO OF KENILWORTH	395 NO 8TH ST	0.230	0.0	0.230	Garage for adjacent business	0.0	
14	8	7	15C	BORO OF KENILWORTH	306 NO 9TH ST	0.230	0.0	0.23	Municipal-owned active recreation space	0.0	
15	8	24	15C	BORO OF KENILWORTH	36 LAFAYETTE PL	0.046	0.0	0.046	Undersized	0.0	
16	10	1	1	BRENT MATERIAL CO	339 NO 12TH ST	1.840	0.75	1.09	Block 10, Lot 1 is located at 339 No. 12th St and largely has access and frontage on Lafayette Avenue. Aerial images of the site show that the site is currently used for the outdoor storage of materials and containers.	0.0	
17	11	2	1	BRENT MATERIAL CO	315 NO 13TH ST	0.746	0.15	0.6	Block 11, Lots 2 and 4 are located at 315 No. 13th St and 302 No. 14th St, respectively, and are used for outdoor storage and a contractor's yard. The site is partially encumbered with regulatory floodway and floodplain.	0.0	
18	11	4	1	BRENT MATERIAL CO	302 NO 14TH ST	0.115	0.0	0.115		0.0	
19	12	5	1	UNITED REALTY, LLC	301 NO 15TH ST	0.072	0.0	0.072	Undersized	0.0	
20	12	6	15C	BORO OF KENILWORTH	300 NO 16TH ST	1.610	0.0	1.61	Municipal-owned active recreation space	0.0	
21	13	15	1	CROWN, CLINTON J & WINIFRED M	320 NO 17TH ST	0.057	0.0	0.057	Undersized	0.0	
22	14	18	1	MICHALSKI, KENNETH & NANCY L	308 NO 18TH ST	0.057	0.0	0.057	Undersized	0.0	
23	15	5.02	1	JOE RIZZO BUILDERS LLC	335 NO 18TH ST	0.120	0.0	0.120	Block 15, Lots 5.02, 5.03, & 5.04 can be combined; vacant land with surrounding single-family homes, adjacent to Black Brook Park.	0.37	1
24	15	5.03	1	VINCENT PAPARATTO REALTY CO, INC	339 NO 18TH ST	0.138	0.0	0.138			
25	15	5.04	1	VINCENT PAPARATTO REALTY CO, INC	343 NO 18TH ST	0.000	0.0	0.112			
26	15	5.07	1	VINCENT PAPARATTO REALTY CO, INC	328 NO 19TH ST	0.153	0.0	0.153			
27	19	10	15C	BORO OF KENILWORTH	302 NO MICHIGAN AVE	0.062	0.0	0.062	Undersized	0.0	
28	22	7.02	1	EH TRUST-BC DAVID TRUST % INFANTINO	235 NO 19TH ST	0.115	0.0	0.115	Small vacant parcel surrounded by single family homes; undersized.	0.000	
29	24.01	6	1	MATHIS, OLLIE C/O WILLA, DAVIS	231 NO 8TH ST	0.080	0.0	0.08	Undersized	0.0	