

# Fourth Round Housing Element and Fair Share Plan

BOROUGH OF ROSELLE PARK | UNION COUNTY, NEW JERSEY

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ENDORSED BY THE COUNCIL:

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## Introduction

New Jersey's history in affordable housing can be tracked by to the first Supreme Court decision in 1975, Southern Burlington County NAACP v. the Township of Mount Laurel 67 N.J. 151 (1975) (known as Mount Laurel I). This historic case determined that every developing municipality through New Jersey had an affirmative obligation to provide its fair share of affordable housing. In 1983, the Supreme Court decided Southern Burlington County NAACP v. Township of Mount Laurel, 92 N.J. 158, 456 A.2d 390 (1983)(known as Mount Laurel II), which acknowledged that the vast majority of municipalities had not addressed their constitutional obligation to provide affordable housing and created the builder's remedy lawsuit, which allowed developers to sue non-compliant municipalities forcing them to accept their proposed projects at extremely high densities.

In response to an onslaught of builder's remedy lawsuits, the Legislature enacted the Fair Housing Act of 1985 (the "FHA"), which created the Council on Affordable Housing ("COAH") to review and approve municipal Housing Elements and Fair Share Plans. Every municipality in the State was required to provide a "realistic opportunity for a fair share of its region's present and prospective needs for housing low- and moderate-income families". Through this process, a Housing Element became a mandatory part of municipal master plan. In addition, a Fair Share Plan became the mandatory document that illustrates the means of achieving the affordable housing goals discussed more generally in the Housing Element.

To implement the FHA requirements, COAH adopted a series of regulations. First Round regulations were enacted in 1987. Second Round regulations were adopted by COAH in 1994. Third Round regulations were supposed to be adopted in 1999 when the Round 2 rules were set to expire, but the first iteration of Round 3 regulations were not adopted by COAH until 2004. After those regulations were invalidated by the courts, COAH adopted a second iteration of Third Round regulations in 2008. The second iteration of regulations were also invalidated by the Courts, and after COAH failed to adopt a third iteration of Third Round regulations in 2014, the Supreme Court issued 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 directed trial courts to assume COAH's functions and ruled that municipalities would have to get their Third Round Housing Elements and Fair Share Plans approved in the courts via the granting a Judgment of Compliance and Repose (JOR), rather than getting the plans approved by COAH.

Subsequently, on January 18, 2017, the Supreme Court decided In Re Declaratory Judgment Actions Filed by Various Municipalities, County of Ocean, Pursuant To The Supreme Court's Decision In In re Adoption of N.J.A.C. 5:96, 221 N.J. 1 (2015) ("Mount Laurel V"), which held that municipalities are also responsible for obligations accruing during the so-called "gap period," the period of time between 1999 and 2015. However, the Court stated that the gap obligation should be calculated as a never-before calculated component of Present Need, which would serve to capture Gap Period households that were presently in need of affordable housing as of the date of the Present Need calculation (i.e. that were still income eligible, were not captured as part of traditional present need, were still living in New Jersey and otherwise represented a Present affordable housing need).

In the Spring of 2024, the New Jersey Legislature passed, and Governor Murphy signed Law A4/S50 which amended the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.)(hereinafter the "amendments" or the "Amended FHA"). The amendments provided direction and deadlines for how a municipality must meet its Fourth Round affordable housing obligations. This legislative effort was intended to create a more

efficient, open, and transparent process for the Fourth Round and all subsequent rounds. The amended FHA also permanently abolished COAH, and introduced a comprehensive structure for municipalities to meet their obligations before a new entity known as the Affordable Housing Dispute Resolution Program (hereinafter the “Program”), which consists of retired Mount Laurel judges and their Special Adjudicators, once known as Court Masters. The Program was created to approve Fourth Round Housing Elements and Fair Share Plans via the granting of a Compliance Certification, along with underlying orders to be entered into by the local vicinage trial court. The Program was also created to help municipalities mediate with objectors regarding their Fourth Round affordable housing obligations and the approval of the plans. The amended FHA also required the Department of Community Affairs (DCA) to take over the monitoring of affordable units in every municipality in the state, and to draft and release a report calculating non-binding Fourth Round municipal Present and Prospective Need obligation for every municipality in the state. The DCA released its Fourth Round numbers report in October of 2024. The amended FHA also ordered the New Jersey Housing and Mortgage Finance Agency (NJHMFA) to adopt new UHAC regulations. The amended FHA also changed the way municipalities receive bonus credits amongst other things.

The amended FHA also laid out the procedure to effectuate compliance with the Fourth Round of Affordable Housing (July 1, 2025 to July 1, 2035). Municipalities must complete a series of steps and, if the steps are timely completed, the municipality retains immunity from all exclusionary zoning lawsuits, including immunity from builder’s remedy lawsuits. The steps are as follows:

1. **Establish Present and Prospective Need Obligation Numbers – January 31, 2025.** The legislation required municipalities to adopt a Present- and Prospective Need Obligation numbers by resolution by January 31, 2025.
2. **Period to Challenge Numbers – February 1, 2025 to February 28, 2025.** Interested parties can file a challenge to the municipality’s adopted numbers.
3. **If Challenged, Numbers Reviewed and Settled – March 1, 2025 to April 1, 2025.** The Affordable housing Dispute Resolution program will review the municipality’s proposed obligation numbers and review the challenge presented.
4. **Adoption and filing of a Fourth Round Housing Element and Fair Share Plan – June 30, 2025.** The HEFSP must contain several components which must provide a realistic opportunity for the development of affordable housing units that will satisfy the municipality’s Rehabilitation, Prior Round, Third Round and Fourth Round affordable housing obligations. The statutory components of the Housing Element and Fair Share Plan include, among other things, an inventory of housing, demographic and employment analyses, and considerations of lands for suitable housing development. This document will also contain areas recommended for rezoning, redevelopment, or other land use strategies to effectuate such housing development. This document will address all of the statutory criteria required by the legislation to achieve conformance with this step.
5. **Challenges to the Fourth Round Housing Element and Fair Share Plan – August 31, 2025 to December 31, 2025.** Interested parties can file a challenge to the validity of the plan and the strategies to address the obligation contained therein- by August 31, 2025. Municipalities will have until December 31, 2025 to settle any challenge or provide an explanation as to why some or all the requested changes from the intervening party will not be made. If there is a settlement, it must be reviewed and approved by the Program, and then by the local vicinage Mount Laurel Judge for the county, who will issue an order approving the settlement and the equivalent of a

judgment of compliance and repose known as a Compliance Certification, which will grant a municipality immunity from all exclusionary zoning lawsuits until the end of the Fourth Round on June 30, 2035. If there is no settlement the Program will review the plan and issue a recommendation which goes to the Superior Court where the assigned Mount Laurel Judge for the county issues the Compliance Certification.

6. **Final Compliance Deadline – March 31, 2026.** The deadline for the Borough to adopt the implementing ordinances to align with the plan.

## Municipal Summary

The Borough of Roselle Park is a small residential community located in the middle of Union County. The Borough occupies approximately 1.23 square miles (787.2 acres). The Borough is bounded by the Union Township to the northeast, Kenilworth to the northwest, Elizabeth to the east, Roselle to the south, and Cranford to the west. Roselle Park is almost completely built out with diverse residential development and business accounting for the majority of land use types. Open space, recreation and other community facilities scattered throughout. Limited vacant parcels, public open space, and environmental constraints limit future residential and commercial growth.

Between 2010 and 2020 Roselle Park's population increased from 13,297 people to 13,967 people, a 5% increase.

## Affordable Housing Obligation

On January 23, 2025, in response to the requirements of the amended FHA, the Borough memorialized Resolution #41-25 the Present Need (rehabilitation) Obligation of seventy-eight (78) and a Prospective Need Obligation of seventy-five (75), which were the numbers calculated for the Borough by the Department of Community Affairs (DCA). The resolution reserved the Borough's rights to a vacant land adjustment, durational adjustments, and all other applicable adjustments permitted in accordance with the act and COAH regulations. The Township then filed a Declaratory Judgment Complaint on January 24, 2025 with the Program and the Court, along with the Township's Fourth Round numbers resolution, and the local vicinage Court entered an order finalizing the Borough's Fourth Round numbers on March 27, 2025.

## Borough Goal

It is the overall goal of the Borough's Fourth Round Housing Element and Fair Share Plan is to provide the planning context in which access to low- and moderate-income housing can be provided in accordance with the requirements of the Fair Housing Act and the laws of the State of New Jersey.

## Content of Housing Element

The Fair Housing Act requires that “the housing element be designed to achieve the goal of access to affordable housing to meet present and prospective housing needs, with particular attention to low- and moderate-income housing”. As per the MLUL, specifically N.J.S.A. 52:27D-310, a housing element must contain at least the following items:

- a. An inventory of the Borough’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 bases 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 records cards;
- b. Projection of the municipality’s housing stock, including the probable future construction of low- and moderate-income housing, for the next ten years, taking into account, but not necessarily limited to, construction permits issues, approvals of applications for development and probable residential development of lands;
- c. An analysis of the municipality's demographic characteristics, including but not necessarily limited to household size, income level, and age;
- d. An analysis of the existing and probable future employment characteristics of the municipality;
- e. 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.c2(C.52:27D-304.1);
- f. A consideration of the lands that are most appropriate for construction of low- and moderate-income housing and of 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;
- g. 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 recommendations of the Multigenerational Family Housing Continuity Commission, adopted pursuant to paragraph (1) of subsection f. of section 1 of P.L.2021.c273(C.52:27D-329.20);
- h. For a municipality located within the jurisdiction of the Highlands Water Protection and Planning Council, established pursuant to P.L.2024.c2(C.52:27D-304.1), and 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 the 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
- i. An analysis of consistency with the State Development and Redevelopment Plan, including water, wastewater, stormwater, and multi-modal transportations based on guidance and technical assistance from the State Planning Commission.

## Inventory of Roselle Park's Housing Stock

The following housing data was sourced from the 2018-2023 five-year ACS estimates.

### Housing Type

According to the 2023 ACS, there are 6,986 housing units in the Borough of Roselle Park. The Borough's housing stock includes single-family detached, single family attached (i.e. townhomes), multi-family dwellings. Single-family detached dwellings comprise the majority of the Borough's housing stock with a total of 3,055 or 56.9%. Single-family-attached homes comprise only 96 or 1.8% of Roselle Park's housing stock. As the chart on the right indicates there are 309, two-unit dwellings and 1,433, 5 or more-unit buildings.

Housing Type by Units in Structure		
Unit Type	Number of Units	Percent
1-unit, detached	3,055	56.9%
1-unit, attached	96	1.8%
2 units	309	5.8%
3 or 4 units	480	8.9%
5 to 9 units	128	2.4%
10 to 19 units	329	6.1%
20 or more units	976	18.2%
Mobile home	0	0.0%
Other	0	0.0%
<b>Total</b>	<b>5,373</b>	<b>100%</b>

Source: 2023 ACS Table DP04

### Occupancy Status

According to the 2023 ACS estimates, 59.4% of the Borough's occupied housing stock is owner occupied while 40.4% is renter occupied. The Borough's housing vacancy rate is estimated to be 1.5, while the rental vacancy rate is estimated to be 0.7 in 2023.

The average household size in Roselle Park is 2.67 persons, while the average family size is 3.17 persons according to the 2023 ACS. See the table below for additional details.

Occupancy Status		
	Households	Percent
<b>Occupied Total</b>	<b>5,236</b>	<b>97.5%</b>
Owner Occupied	3,122	59.4%
Renter Occupied	2,114	40.4%
<b>Vacant Total</b>	<b>137</b>	<b>2.5%</b>
For rent	15	10.9%
Rented, not occupied	0	0.0%
For Sale only	49	35.8%
Sold, no occupied	0	0.0%
Seasonal, recreational, or occasional	0	0.0%
For migrant workers	0	0.0%
Other	73	53.3%
<b>Total</b>	<b>5,373</b>	<b>100%</b>

Source: 2023 ACS tables DP04 & B25004

## Value and Rent of Housing Stock

The ACS provides value estimates for owner-occupied housing units. Roselle Park's estimated 2,014 owner-occupied housing units, the majority of homes (64.5%) are valued at between \$300,000 to \$499,999, while there are 76 homes valued between \$150,000 to \$199,999. There are 15 homes are valued at \$1,000,000 or more in the Borough. See the table below for details.

Value of Owner-Occupied Units		
Value	Number of Units	Percent
Less Than \$149,999	101	3.2%
\$150,000 to \$199,999	76	2.4%
\$200,000 to \$299,999	447	14.3%
\$300,000 to \$499,999	2,014	64.5%
\$500,000 to \$999,999	469	15.0%
\$1,000,000 or more	15	0.5%
<b>Total</b>	<b>3,122</b>	<b>100.0%</b>

Source: 2023 ACS table DP04

Over 43% of rentals in Roselle Park have rents priced less than \$1,499 per month. Units with rents of \$2,500 or more comprise only 7.5% of rentals in the Borough. See the table below for more information.

Cost of Rentals		
Cost	Number of Units	Percent
Less Than \$1,499	899	43.1%
\$1,500 to \$1,999	847	40.6%
\$2,000 to \$2,499	183	8.8%
\$2,500 to \$2,999	76	3.6%
\$3,000 or more	82	3.9%
<b>Total</b>	<b>2,087</b>	<b>100%</b>

Source: 2023 ACS table DP04

## Condition of Housing Stock

The Census does not classify housing units as standard or substandard, but it can provide an estimate of substandard housing units that are occupied by low- and moderate-income households. The Appellate Division upheld COAH's use of three indicators to determine substandard housing in the State. Those three indicators are houses built before 1959 and which are overcrowded with more than one person per room. The second indicator is homes lacking complete plumbing and the third indicator are homes lacking kitchen facilities.

The Census indicators available at the municipal level indicate a sound housing stock, as displayed by the following three (3) data tables. According to the 2023 ACS, 0.7% of occupied units within the Borough lacked plumbing facilities, 1.0% lacked kitchen facilities, and 0.8% of homes lacked telephone service.



Condition of Housing Stock		
Fuel Type	Number of Units	Percent
Lacking complete plumbing facilities	38	0.7%
Lacking complete kitchen facilities	52	1.0%
No telephone service available	42	0.8%
<b>Total</b>	<b>5,236</b>	<b>2.5%</b>

Source: 2023 ACS table DP04

Housing with 1.01 or more person per room is an index of overcrowding. In 2023, the ACS found that there were only 224 or 4.3% occupied housing units within the Borough that were “overcrowded”. It should be noted that 95.7% of the housing units contained less than 1.00 persons per room.

Occupants Per Room		
Occupants	Number of Units	Percent
1.00 or less	5,012	95.7%
1.01 to 1.50	89	1.7%
1.51 or more	135	2.6%
<b>Total</b>	<b>5,236</b>	<b>100%</b>

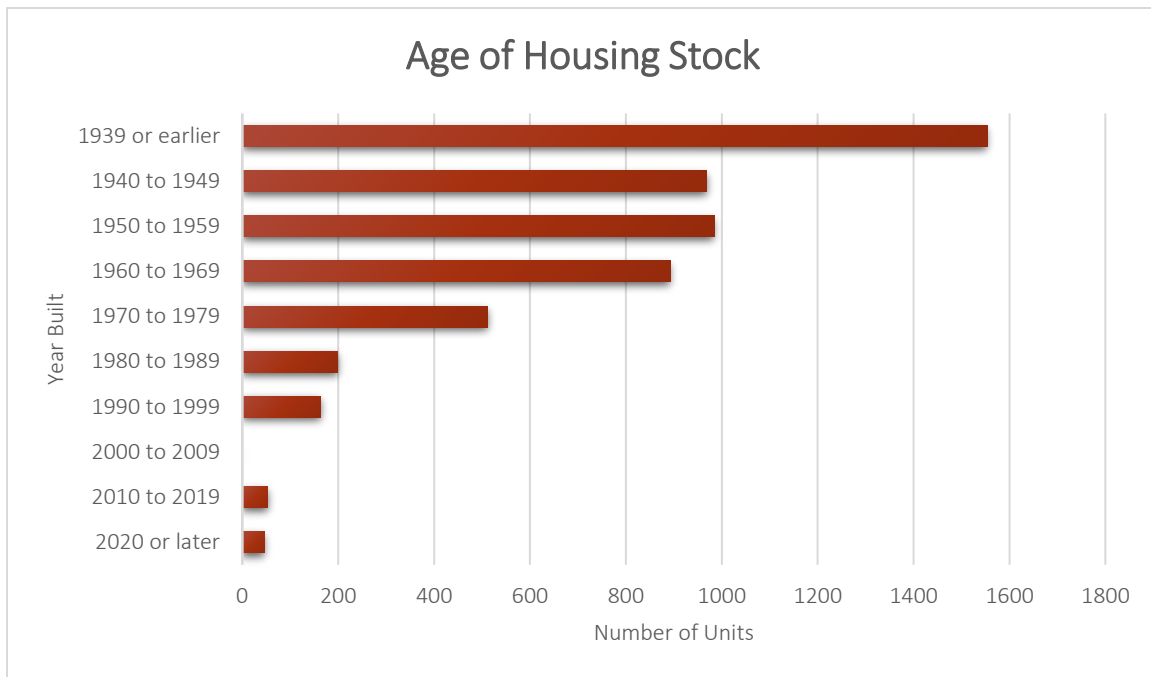
Source: 2023 ACS table DP04

Housing units built in 1975 or earlier are now flagged instead of units built in 1959 or earlier. Research has determined that units built 50 or more years ago are much more likely to be in substandard condition. Included in the rehabilitation calculation are overcrowded units and dilapidated housing. Overcrowded units are defined by the U.S. Department of Housing and Urban Development as those with more than one person living per room.

The table and bar graph on the following page provide the 2023 ACS data on the age of housing stock. Approximately 81.8% of Roselle Park’s housing stock was built before 1975. Units built before 1975 are a factor in the determination of each municipality’s rehabilitation share. In Roselle Park, 4,400 units were constructed prior to 1970. The Borough’s Rehabilitation obligation is 78 units, reflecting the relatively good condition of these older homes. The largest number of housing units constructed in the Borough were built before the 1940s, with 1,554 units or 28.9% housing units in the Borough. There were no housing units built between 2000-2009.

Age of Housing Stock		
Year Built	Number of Units	Percent
Built 2020 or later	46	0.9%
Built 2010 to 2019	53	1.0%
Built 2000 to 2009	0	0.0%
Built 1990 to 1999	163	3.0%
Built 1980 to 1989	199	3.7%
Built 1970 to 1979	512	9.5%
Built 1960 to 1969	893	16.6%
Built 1950 to 1959	984	18.3%
Built 1940 to 1949	969	18.0%
Built 1939 or earlier	1,554	28.9%
<b>Total</b>	<b>5,373</b>	<b>100%</b>

Source: 2023 ACS Table DP04



### Projection of Housing Stock

As per the MLUL specifically N.J.S.A 52:27D-310, a housing element must contain a projection of the municipality's housing stock, including the probable future construction of low- and moderate-income 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.

The Department of Community Affairs' Division of Codes and Standards website provides data on Certificates of Occupancy and demolition permits for both residential and non-residential development. Within the Division of Codes and Standards website is the New Jersey Construction Reporter, which contains building permit, certificate of occupancy (hereinafter "CO"), and demolition data that is submitted by municipal construction officials within the State each month. The New Jersey Construction Reporter has information dating back to 2000, which can be used to show the Borough's historic development trends.

As shown in the table below, 966 new homes were built and issues COs between 2013 and 2023 while 4 were demolished in the Borough of Roselle Park. As shown in the table below, the greatest numbers of CO's issued occurred in 2018 and 2021.

Historic Trends of Residential COs and Demolition Permits												
	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Total
COs Issued	1	1	1	0	0	169	0	56	650	87	1	966
Demolitions	0	1	1	0	0	2	0	0	0	0	0	4
<b>Total</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>171</b>	<b>0</b>	<b>56</b>	<b>650</b>	<b>87</b>	<b>1</b>	<b>970</b>

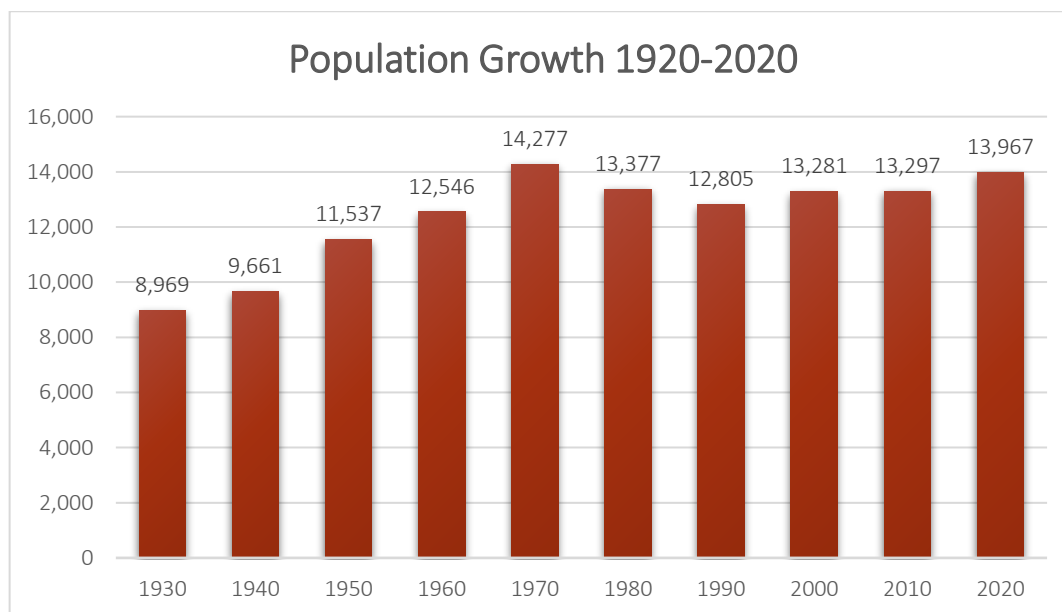
Source: New Jersey Construction Reporter from the NJ DCA

## Roselle Park's Population Demographics

Roselle Park's population experienced a growth from 1930 to 1970 until a slight decline 6.3% in 1980. The population continued to decrease from 1980 to 2000 and the 21<sup>st</sup> century has experienced a steady growth in population for the Borough. The 2020 US Census Bureau reports the Borough's population to be 13,967 people. Please see the table to the right and chart below for additional information. It shall be noted that the five-year American Community Survey (hereinafter "ACS") data from the US Census Bureau provided estimates of population, housing and employment estimates between the major Census reports each decade. In an effort to display the most up to date information, the data used in this report is source from the 2018-2022 five-year ACS estimates.

Population Growth		
Year	Population	Percent Change
1930	8,969	-%
1940	9,661	7.72%
1950	11,537	19.42%
1960	12,546	8.75%
1970	14,277	1,731%
1980	13,377	-6.30%
1990	12,805	-4.28%
2000	13,281	3.72%
2010	13,297	0.1%
2020	13,967	5.1%

Source: US Census Bureau, 2000, 2010, 2020



### Age Distribution of Population

The 2023 ACS estimates that 2,136 or 15.3% of the population is 65 years or older while the percentage of children aged 19 or younger comprised 2,886 or 20.6% of the Borough's population. Residents aged 25 to 34 years old comprised the largest age cohort with approximately 18.6% of residents fall in this category. The ACS indicates that the Borough's median age was 38.6 years old. See the table below for additional details.

Population By Age Cohort		
Age	Total	Percent
Under 5 years	780	5.6%
5 to 9 years	687	4.9%
10 to 14 years	774	5.5%
15 to 19 years	645	4.6%
20 to 24 years	636	4.6%
25 to 34 years	2,591	18.6%
35 to 44 years	1,907	13.7%
45 to 54 years	2,001	14.3%
55 to 59 years	1,149	8.2%
60 to 64 years	656	4.7%
65 to 74 years	1,444	10.3%
75 to 84 years	560	4.0%
85 years and over	135	1.0%
<b>Total</b>	<b>13,965</b>	<b>100%</b>

Source: 2023 ACS Table DP05

### Household Size and Type

According to the 2023 ACS estimates, Roselle Park contains 5,236 households. The Borough had a total of 3,676 or 70.2%, family households. Married-couple families with children under 18 comprised 40.8% or 1,055 of households within the Borough, whereas 29.8% or 1,560 were non-family households in 2023. Non-family households include persons living alone or a householder who is not related to any of the other persons sharing their home.

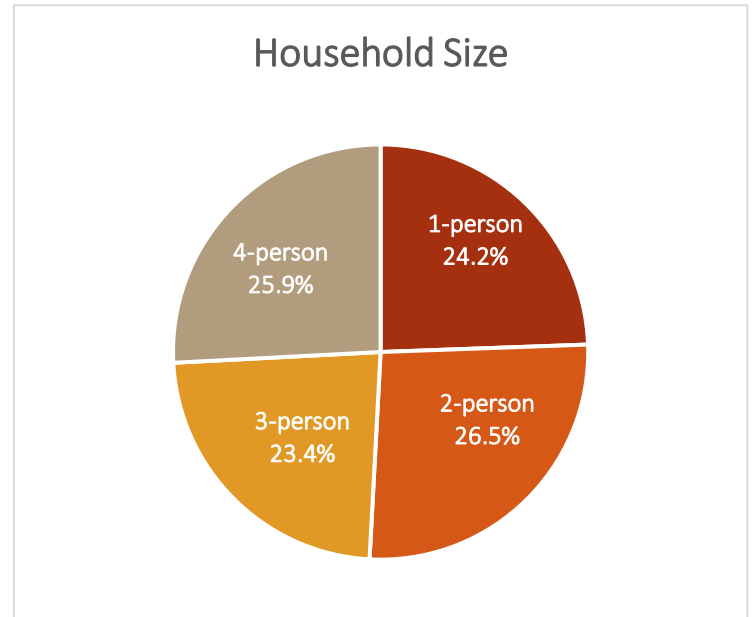
Household Type and Size		
Type	Number	Percent
<b>Family Households</b>	<b>3,676</b>	<b>70.2%</b>
Married couple family	2,583	70.3%
with children under 18	1,055	40.8%
Male Householder, no spouse	271	7.4%
Female Householder, no spouse	822	31.8%
<b>Non-family Households</b>	<b>1,560</b>	<b>29.8%</b>
<b>Total</b>	<b>5,236</b>	<b>100%</b>

Source: 2023 ACS Table S1101

As illustrated in the table below, the most common household size within Roselle Park in 2023 was a 2-person household, which totaled 26.5% of all households. Second most common was a 4 or more-person household with 25.9% of all households. Households of 1-person comprised 24.2% of all households within the Borough. Finally, households of 3- persons comprised 23.4% of all households.

Household Size		
Size	Total	Percent
1-person	1,267	24.2%
2-person	1,390	26.5%
3-person	1,224	23.4%
4 or more person	1,355	25.9%
<b>Total</b>	<b>5,236</b>	<b>100%</b>

Source: 2023 ACS Table S2501



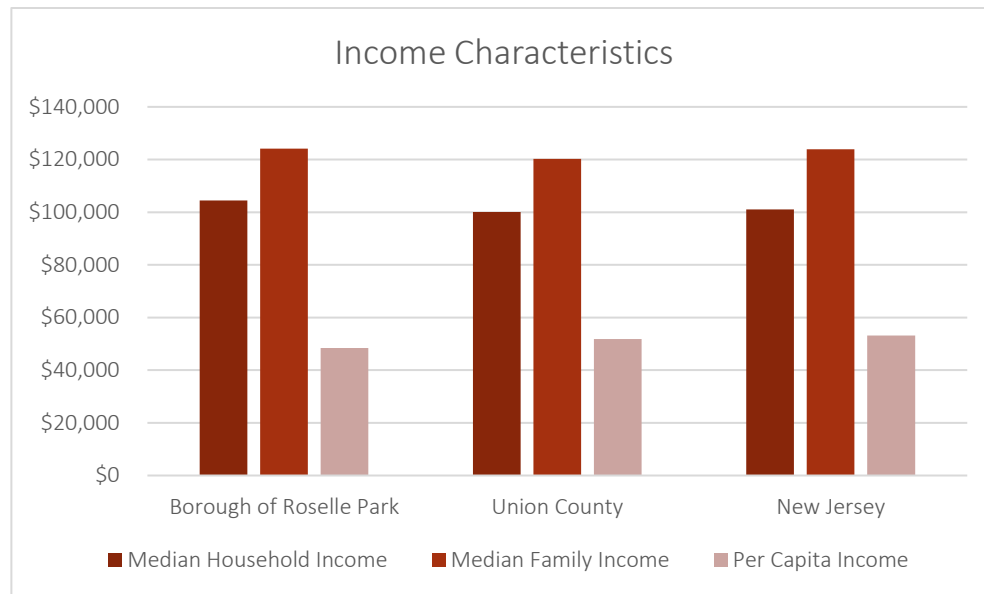
### Income and Poverty Status

The ACS estimates that the median household income and family income for Roselle Park is more than the income for Union County and New Jersey, while the per capita income are less than the County's and State's incomes. Roselle Park's median household income is \$104,418, compared to \$100,117 for the County and \$101,050 for the State. The median family income in the borough is \$124,175 compared to \$100,117 for the county and \$123,892 for the State's. The per capita income for the borough is \$48,486 compared to \$51,850 for the County and \$53,118 for the State.

Individual poverty is at 5.1% in Roselle Park compared to 8.9% in the County and 9.8% in the State. Poverty within families is at 3.3% in the Borough compared to 6.2% in the County and 7.0% in the State's. See the table and chart below and on the next page for additional details.

Income Characteristics			
Income type	Borough of Roselle Park	Union County	New Jersey
Median Household Income	\$104,418	\$100,117	\$101,050
Median Family Income	\$124,175	\$120,310	\$123,892
Per Capita Income	\$48,486	\$51,850	\$53,118
Poverty Status (Percent of People)	5.1%	8.9%	9.8%
Poverty Status (Percent of Families)	3.3%	6.2%	7.0%

Source: 2023 ACS table S1901, B19301, S1701, S1702



According to the 2023 ACS data, a majority of households (24.3%) in Roselle Park earn between \$100,000 to \$149,999 per year. This compares to 17.2% of households in the County and 18.0% of households in the State. On the opposite end of the spectrum, 16.7% or 880 of households earn \$50,000 or less per year compared to 23.9% in the County and 25.2% in the State.

Household Income						
	Borough of Roselle Park		Union County		New Jersey	
	Total	Percent	Total	Percent	Total	Percent
Less Than \$10,000	58	1.1%	5,927	2.9%	140,262	4.0%
\$10,000 to \$14,999	43	0.8%	4,745	2.4%	99,362	2.9%
\$15,000 to \$24,999	138	2.6%	9,788	4.9%	175,402	5.0%
\$25,000 to \$34,999	174	3.3%	10,781	5.3%	184,753	5.3%
\$35,000 to \$49,999	467	8.9%	16,999	8.4%	276,601	8.0%
\$50,000 to \$74,999	964	18.4%	27,512	13.6%	448,192	12.9%
\$75,000 to \$99,999	609	11.6%	24,989	12.4%	397,939	11.4%
\$100,000 to \$149,999	1,010	19.3%	34,710	17.2%	627,526	18.0%
\$150,000 to \$199,999	964	18.4%	23,149	11.5%	407,723	11.7%
\$200,000 or more	809	15.5%	43,063	21.4%	720,595	20.7%
<b>Total</b>	<b>5,236</b>	<b>100%</b>	<b>201,663</b>	<b>100%</b>	<b>3,478,355</b>	<b>100%</b>

Source: 2023 ACS table B19001 & S1901

## Roselle Park's Employment Demographics

This chapter provides a snapshot of employment within Roselle Park, including the types of industries within the community. The 2023 ACS estimates that Roselle Park has 8,861 residents in the labor force. The labor force consists of approximately 95.2% employed person and 4.8% unemployed persons.

The majority of works within the Borough are reported to be private wage and salary workers. Just over 6,346 or 75.2% of those employed fall into this category. Approximately 20.4% of workers are government employees and 4.4% are self-employed. The ACS estimates 0 workers are unpaid family workers.

Class of Worker		
Class of Worker	Number of Workers	Percent
Private wage and salary workers	6,346	75.2%
Government workers	1,717	20.4%
Self-employed in own not incorporated business workers	374	4.4%
Unpaid family workers	0	0.0%
<b>Total Employed Residents</b>	<b>8,437</b>	<b>95.2%</b>
Total Unemployed Residents	424	4.8%
<b>Total Residents in the Workforce</b>	<b>8,861</b>	<b>100%</b>

Source: 2023 ACS Table DP03

## Occupational Characteristics

The ACS estimates that 40.3% of the Borough's residents are employed in management, business, science, and arts occupations. The sales and office occupations employ 1,872 residents or 22.2%, of the working population. Service occupations employs 17.6% or 1,485 residents. Natural resources, construction, and maintenance occupations employs 731 residents or 8.7% and production, transportation, and material moving occupations employs 951 residents or 11.3% of the working population.

Employed Civilian Population By Occupation (Age 16 Years or Older)				
Occupation	Borough of Roselle Park		Union County	
	Total	Percent	Total	Percent
Management, business, science, and arts occupations	3,398	40.3%	119,654	40.8%
Service occupations	1,485	17.6%	45,626	15.6%
Sales and office occupations	1,872	22.2%	57,935	19.8%
Natural resources, construction, and maintenance occupations	731	8.7%	24,118	8.2%
Production, transportation, and material moving occupations	951	11.3%	45,850	15.6%
<b>Total</b>	<b>8,437</b>	<b>100%</b>	<b>494,921</b>	<b>100%</b>

Source: 2023 ACS Table DP03

## Employment Projections

The NJTPA estimates that employment within the Borough of Roselle Park will grow by 766 jobs by 2050. In order to achieve this projection, Roselle Park would need to create 21.8 new jobs per year during the 35-year period.

Employment Projections			
Year	Jobs	Change	Percent
2015	2,007	---	---
2050	2,773	766	38.2%

Source: NJTPA Plan 2050, Appendix E; NJTAP Plan 2040, Appendix A (for 2020 data)

## Employment by Professions

According to the 2023 ACS there were 8,437 persons in the employed labor force in the Borough of Roselle Park and 424 were unemployed. Educational services, and health care and social assistance made up the largest component of the workforce with 2,293 persons or 27.2%. The second largest cohort is transportation and warehousing and utilities with 1,105 persons or 13.1%.

Employed Person by Profession		
Occupation	Number of Persons	Percent
Agriculture, forestry, fishing and hunting, and mining	13	0.2%
Construction	387	4.6%
Manufacturing	540	6.4%
Wholesale trade	185	2.2%
Retail trade	821	9.7%
Transportation and warehousing, and utilities	1,105	13.1%
Information	200	2.4%
Finance and insurance, and real estate and rental and leasing	514	6.1%
Professional, scientific, and management, and administrative and waste management services	987	11.7%
Educational services, and health care and social assistance	2,293	27.2%
Arts, entertainment, and recreation, and accommodation and food services	389	4.6%
Other services, except public administration	413	4.9%
Public administration	590	7.0%
<b>Total</b>	<b>8,437</b>	<b>100%</b>

Source: 2023 ACS Table DP03



## Capacity for Fair Share

This chapter of the Fourth Round Housing Element and Fair Share Plan provides the following information as required by the rules:

- The Borough's capacity to accommodate its housing needs.
- A consideration of the lands that are most appropriate for 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.
- Lands of developers who have expressed a commitment to provide low- and moderate-income housing.
- The location and capacities of existing and proposed water and sewer lines and facilities relevant to the proposed affordable housing sites.

## Land Capacity

Roselle Park's capacity to construct creditable units toward satisfying its affordable housing obligation is determined by three components – available land, water capacity, and sewer capacity. Additionally, land development is limited by wetland and associated buffers, flood plains, parcel size, and municipal regulations.

## Utility Capacity

There is sufficient overall water and sewer capacity to serve proposed development throughout the Borough. However, to determine if infrastructure upgrades are required, the Borough would need to perform a detailed study of the affordable housing sites and their surrounding utility infrastructure. The study would need to include sanitary sewer and water service reports for each development, the condition, size, location and existing capacities and pressures would need to be determined.

## Appropriate Locations for Affordable Housing

Land that is most appropriate for the construction of low- and moderate-income housing in the Fourth Round includes the following approved, proposed, and anticipated projects:

1. 510 Chestnut Street – The former site of the BOE has been designated as an Area in Need of Redevelopment and a Redevelopment Plan has been approved. The plan proposes a total of 65 units with a 20% set aside, resulting in 13 affordable units.
2. 125 West Westfield Avenue - Block 606 Lots 25, 26, 27, 28, 29, 30, 31, 32, 36.01, 38. These Lots have been designated as an Area in Need of Redevelopment and a Redevelopment Plan is in the process of being drafted. The project will result in 46 units with a 20% affordable housing set aside. A total of 9 affordable units will be generated from this site.
3. Ryan Development Area - Block 503, Lots 1-10. These lots have an approved Redevelopment Plan permitting 99 units with a 15% set aside. A developer's agreement was never signed.

## Anticipated Development Patterns

Anticipated land use patterns within the Borough of Roselle Park will follow the established zoning map. The Borough has a variety of zoning districts including one-family residential, two-family residential, four-family residential, garden apartment, residence office building, neighborhood business, central business, arterial business, industrial, senior citizen housing, and planned development.

## Multigenerational Family Housing Continuity

Pursuant to the Amended FHA, 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.

November 8, 2021, the Senate and General Assembly of the State of New Jersey adopted C.52:27D-329.20, which established the “Multigenerational Family Housing Continuity Commission” for the purpose of conducting research, obtaining public input, and adopting recommendations on how to most effectively advance the goal of enhancing multigenerational family housing continuity, which can be defined broadly as the degree to which senior citizens are able to reside at the homes of their extended families.

The bill requires each Municipality’s Housing Plan Element to provide an analysis of the extent to which municipal ordinances and other local factors advance or detract from the goal as described in the recommendations of the commission.

The Borough of Roselle Park has a history of being committed to promoting multigenerational family continuity and will continue to do so through the Fourth Round. Roselle Park has diverse housing options in a manner consistent with the regulation. Additionally, the Borough is employing a variety of approaches to accomplish this task through a variety of housing types and affordability levels in close proximity to public transportation (such as the train station and bus stops), shopping centers, and the downtown. The Borough has a number of senior housing options and a Borough sponsored Senior Center.

## Consistency with the State Development and Redevelopment Plan

The Fourth Round Housing Element and Fair Share Plan is consistent with the 2001 State Development and Redevelopment Plan (SDRP) and the proposed SDRP that is currently in cross-acceptance process as the projects will provide a realistic opportunity for the construction of affordable housing as the projects are located in State Planning area designated as PA-1, which is the Metro Planning Area. Pursuant to the SDRP, PA-1 is the preferred location for redevelopment for compact growth. The development of affordable housing in PA-1 is consistent with the overall State Development and Redevelopment Plan goal to direct redevelopment and growth into PA-1 areas as the intentions of the Metropolitan Planning Area are to provide for much of the state’s future redevelopment promote growth in compact forms. The Borough’s Fourth Round Plan is consistent with the 2001 SDRP.

## Affordable Housing Trust Fund

The Borough of Roselle Park maintains an Affordable Housing Trust Fund Chapter 39 of the Borough’s Municipal Code.

The Spending Plan is included in the appendix to this Housing Plan, which discusses the anticipated revenues, collection of revenues and the use of revenues, was prepared in accordance with former COAH’s applicable substantive rules. All collected revenue will be placed in the Borough’s Affordable Housing Trust Fund and may be dispensed for the use of eligible affordable housing activities, but not limited to:

- Rehabilitation program;
- New construction of affordable housing units and related development costs;

- Extensions or improvements of roads and infrastructure directly serving affordable housing development sites;
- Acquisitions and/or improvements of land to be used for affordable housing;
- Purchase of affordable housing units for the purpose of maintaining or implementing affordability controls;
- Maintenance and repair of affordable housing units;
- Repayment of municipal bonds issued to finance low and moderate-income housing activity; and,
- Any other activity as specified in the approved spending plan.

However, the Borough is required to fund eligible programs in a Court-approved Housing Element and Fair Share Plan, as well as provide affordability assistance.

At least 30% of collected development fees shall be used towards affordability assistance. Affordability assistance became a statutory requirement in Fair Housing Act and shall be used to provide affordability assistance to low- and moderate-income households in affordable units included in a municipal Fair Share Plan. At least one third (1/3) of the affordability assistance must be expended on very-low-income units. Additionally, no more than 20% of the revenues collected from development fees each year, shall be expended on administration, including, but not limited to, salaries and benefits for municipal employees or consultant fees necessary to prepare or implement a rehabilitation program, a new construction program, a housing element and fair share plan and/or an affirmative marketing program.

### Monitoring

The Borough had and will continue to comply with monitoring provisions consistent with those required by the Amended Fair Housing Act. The monitoring requires regular tracking of progress towards meeting the affordable housing obligations and ensuring the affordable units and affordable housing trust fund are administered properly as follows:

- February 15<sup>th</sup> of each year- The Borough will provide an annual reporting of the status of all affordable housing activity within the Borough through posting on the municipal website and certifying the account on the Department of Community Affairs portal.

## Fair Share Plan

### Content of Fair Share Plan

The Fair Share Plan contains the following information:

- Regional income limits;
- Description of existing credits intended to satisfy the obligation;
- Description of proposed mechanisms that will be used to meet any outstanding obligations; and
- An implementation schedule that sets forth a detailed timeline for units to be approved.

### Regional Income Limits

Dwelling units are affordable to low- and moderate-income households if the maximum sales price or rental cost is within their ability to pay such costs, based on a specific formula. COAH historically provided income limits based upon the median gross household income of the affordable housing region in which the household is located. A moderate-income household is one with a gross household income equal to or more than 50% but less than 80% of the median gross regional household income. A low-income household is one with a gross household income equal to 50% or less of the median gross regional household income. Very-low-income households are those with a gross household income equal to 30% or less of the median gross household income. Roselle Park is located in Region 2, which contains Essex, Morris, Union, and Warren County.

Using the 2024 regional income limits, a four-person household moderate-income is capped at \$96,329. Two-person households could make up to \$77,064 and be considered a moderate-income household or make up to \$48,165 and be considered a low-income household. See the table below for greater detail.

2024 Regional Income Limits for Region 2				
Income	Household Size			
	1 Person	2 Person	3 Person	4 Person
Median	\$90,591	\$103,533	\$116,475	\$129,416
Moderate	\$72,473	\$82,826	\$93,180	\$103,533
Low	\$45,296	\$51,766	\$58,237	\$64,708
Very Low	\$27,177	\$31,060	\$34,942	\$38,825

Source: [https://ahpnj.org/member\\_docs/Income\\_Limits\\_2024\\_FINAL.pdf](https://ahpnj.org/member_docs/Income_Limits_2024_FINAL.pdf)

### Prior and Third Round Compliance

The Borough of Roselle Park adopted a Housing Element and Fair Share Plan on February 8, 2010, which was approved via the entry of an initial Third Round Judgment of Compliance and Repose on September 27, 2010. In response to Mount Laurel IV, the Borough filed a Declaratory Judgment action on June 12, 2015, which resulted in the Court issuing a Mount Laurel IV Third Round Judgement of Compliance and Repose on February 18, 2016, which gave the Borough immunity from all Mount Laurel lawsuits until July 1, 2025. The February 18, 2016 JOR relied on the Borough's already adopted and previously approved 2010 Housing Element and Fair Share Plan.

## Third Round Rehabilitation Obligation

The 2010 Housing Element and Fair Share Plan stated it would address its 46-unit Third Round Rehabilitation Obligation through a variety of mechanisms, some of which included proposed new affordable units that were never built, but it addressed some of its Third Round Rehabilitation obligation. The Borough rehabilitated 15 units through the Union County Home Improvement Program, and rehabilitated 14 units through a municipally sponsored rehabilitation program.

## Fourth Round Compliance Status

Roselle Park's Fair Share Plan describes the various projects and strategies the Borough proposes to address its affordable housing obligations. There are four components – the Borough's Present Need (Rehabilitation) Obligation, Prior Round Obligation, Third Round Obligation and Fourth Round Prospective Need Obligation.

## Affordable Housing Obligations

This Fourth Round Housing Element and Fair Share Plan addresses the following affordable housing obligations:

Present Need (Rehabilitation Obligation): **78**

Prior Round Obligation (1987-1999): **0**

Third Round Obligation (1999-2025): **0**

Fourth Round Prospective Need Obligation (2025-2035): **75**

## Addressing The Present Need

The Borough plans to meet its seventy-eight (78) unit Present Need obligation through continuing participation in the Union County Rehabilitation Program and participation in the Municipal Rehabilitation Program. Both programs were utilized in the previous round and continue to be successful. Said municipal program shall meet the requirements in N.J.A.C. 5:93-5.2.

## Addressing The Prior Round Obligation And The Third Round Obligation

The Borough has a Prior Round Obligation of **zero (0)** and a Third Round Obligation of **zero (0)**. There is therefore no Prior or Third Round Obligation for the Borough to address.

## Addressing The Fourth Round Prospective Need Obligation

The Borough will address its Fourth Round Prospective Need Obligation of **seventy-five (75)** as follows, which will leave the Borough with a 2-unit surplus of affordable units for the Fifth Round:

## 4 Affordable Bedroom Credits From An Existing Group Home

Roselle Park has 4 affordable housing credits from "alternative living arrangements". Alternative living arrangements include, but are not limited to: residential health care facilities, group homes for the developmentally disabled and mentally ill, and congregate living arrangement. The unit of crediting for an alternative living arrangement is the bedroom that received certificates of occupancy after April 1, 1980. The Borough is eligible for 4 affordable housing bedroom credits from a constructed and occupied 4-bedroom DDD-funded group home located on Block 1005, Lot 11. The bedroom units are also eligible for 2 for 1 bonus credits under the Amended FHA.

## 55 Affordable Units From Redevelopment Projects/Redevelopment Areas

- A. **510 Chestnut Street Redevelopment Project (Block 504, Lot 6)**: The Borough approved a Redevelopment Plan for 510 Chestnut Street. This plan proposes a total of 65 units with a 20% set aside, resulting in **13 affordable family rental units**.
- B. **125 West Westfield Avenue (Block 606, Lots 25, 26, 27, 28, 29, 30, 31, 32, 36.01, and 38)**: These block and lots have been designated as an Area in Need of Redevelopment and a Redevelopment Plan is in the process of being drafted. A The project will result in 46 total units with a 20% affordable housing set aside. A total of **9 affordable age-restricted rental units** will be generated from this site.
- C. **404-450 West Westfield Avenue (Block 213, Lot 1 and Block 314, Lot 1)**: This project includes 218 total residential units. Phase 1 of this project is substantially complete, has a CO, and is actively leasing (including a portion of the affordable component). Phase 2 remains under construction, it does not have a CO and is not occupied at this time. This project will include **33 affordable family rental units**.

### Site Suitability

Pursuant to N.J.A.C. 5:93-1.3, sites that are designated to produce affordable housing in this plan shall be available, approvable, developable, and suitable according to the following criteria:

- “Available site” means a site with clear title, free of encumbrances which preclude development for low- and moderate-income housing. N.J.A.C. 5:93-1.3.
  - “Approvable site” means a site that may be developed for low- and moderate-income housing in a manner consistent with the rules or regulations of agencies with jurisdiction over the site. A site may be approvable although not currently zoned for low- and moderate-income housing. Ibid.
  - “Developable site” means a site that has access to appropriate water and sewer infrastructure, and is consistent with the applicable area wide water quality management plan (including the wastewater plan) or is included in an amendment to the area wide water quality management plan submitted to and under review by the DEP. Ibid.
  - “Suitable site” means a site that is adjacent to compatible land uses, has access to appropriate streets and is consistent with the environmental policies delineated in N.J.A.C. 5:93-4. Ibid.
1. All three redevelopment sites proposed to address the Borough’s affordable housing Fourth Round Obligation meet COAH’s criteria for site suitability.



**510 Chestnut Street Redevelopment Project (Block 504, Lot 6):** The Borough has designated the property as an Area in Need of Redevelopment and the Redevelopment Plan has been drafted and is currently going through the adoption process. The resolutions can be found in the appendix. The Plan permits a maximum of 65 multi-family residential units with 20% of those units to be for affordable housing. This would result in a total of 13 affordable housing units on the site. This site is 9,500 square feet, has access to appropriate streets and is bound by to the north is an NJ Transit surface parking lot utilized by commuters for the train station to the north, across Chestnut Street to the west are a number of commercial businesses including a County Excellence bank on the corner of Chestnut Street and East Lincoln Avenue, a dentist office, and a professional office building. Directly to the south of the subject lot is Chestnut Station, a multi-family residential building on the corner of Chestnut Street and West Webster Avenue. The lots to the west of the Redevelopment Area have frontage along West Webster Avenue and consist of one-family residential dwellings. The site has sewer and water capacity and access to infrastructure.



**Redevelopment Area (Block 606, Lots 25, 26, 27, 28, 29, 30, 31, 32, 36.01, and 38):** The Redevelopment Area is located on the northeasterly side of West Westfield Avenue (State Route 28) in the southern part of the Borough. The resolution designating the properties as an Area in need of Redevelopment can be found in the appendix of this report. The Redevelopment Plan is in the process of being written and will move forward in the Redevelopment Process.

The redevelopment area consists of approximately 2.78 acres and will result in the construction of a total of 46 units inclusive of 9 affordable units. The proposed development will replace the existing multi-family and retail uses located along West Westfield Avenue. The site has access to appropriate streets and also has access to utilities and sewers and is located in close proximity to the train station.



### Mandatory Set-Aside Ordinance (MSO)

The Borough has adopted a Mandatory Set-Aside Ordinance (MSO) that requires a 20% affordable housing set-aside for any multifamily projects constructed in the Borough that are larger than five (5) units.

### 18 Bonus Credits

The Borough is entitled to 18 bonus credits under the new bonus credits available from the Amended FHA. The Amended FHA states that a municipality may not receive more than one type of bonus credit for each unit. In addition, it caps the total credit from bonuses at 25 percent of the prospective need obligation. In this case, the bonus cap for Roselle Park Borough is 18. Roselle Park's Housing Element and Fair Share Plan generates the potential for up to 28 bonus credits, as indicated below. Because of the cap on bonus credits, only 18 of the 28 credits are being applied by the Borough to the Fourth Round.

### Senior Housing

The Borough will be utilizing 1 senior credit from the 125 West Westfield Avenue Project  
 $(75 \text{ prospective need} - 18 \text{ max bonus credits}) \times .30 = 17 \text{ max senior units} \times .10 = 1 \text{ bonus credit}$

### Redevelopment

Redevelopment of sites formerly occupied commercial for residential is entitled to 0.5 unit credit for each affordable units.

Both 510 Chestnut Street and 404-450 Westfield Avenue are sites of former commercial properties proposed to be developed for residential use. In addition, 510 Chestnut Street is located within half a mile of a train station. Therefore, the Borough is entitled to 23 bonus credits from these two projects  $(33 + 13 = 46 \times .50 = 23)$ .

### Group Home



Finally, the 4-bedrom Group Home on Block 1005, Lot 11 is entitled to 4 bonus credits.

### Sites Not Included In This Plan

The Borough is not including the Ryan Redevelopment Area located on West Lincoln Avenue and Locust Street (Block 503, Lots 1-10) in this Fourth Round plan since the Borough has already fully addressed its Prior Round, Third Round and Fourth Round affordable housing obligations with other affordable housing projects and compliance techniques. If an agreement were to be reached with a developer for this site in the future, any affordable housing units generated by any proposed project on this site would be reserved for the Fifth Round.

## Appendix

1. Affirmative Marketing Plan
2. Resolutions

## Affirmative Marketing Plan

Each municipality is required to establish and maintain an Affirmative Marketing Plan which is maintained in accordance with *N.J.A.C. 5:80-26*. The Affirmative Marketing Plan applies to all developments that contain low and moderate-income units. The Affirmative Marketing Plan is a regional marketing strategy design to attract buyers and/or renters of all majority and minority groups, regardless of race, creed, color, national origin, ancestry, marital or familial status, gender, affectional or sexual orientation, disability, age or number of children to housing units which are being marketed by a developer/sponsor, municipality and/or designated administrative agency of affordable housing.

The affirmative marketing program is a continuing program and will meet the following requirements:

- The affirmative marketing process for available affordable units shall begin at least four (4) months prior to expected occupancy. Advertising and outreach shall take place during the first week of the marketing program and each month thereafter until all available units have been leased or sold.
- One advertisement will be published in the following newspaper(s) of general circulation within the housing region: The Star Ledger
- The advertisement will include the following:
  - The location of the units;
  - Directions to the housing units;
  - A range of prices for the housing units;
  - The size, as measured in bedrooms, of the housing units;
  - The maximum income permitted to qualify for the housing units;
  - The business hours when interested households may obtain an application for a housing unit; and;
  - Application fees, if any.
- Signs, posters or brochures of available affordable housing units or affordable housing programs should be displayed at all municipal buildings as well as libraries, and developer's sales offices.

The Affirmative Marketing Program should reach out to local religious groups and civic organizations that are likely to apply, or help members apply for housing. This should include sending quarterly flyers and, or applications for circulation.

Developers of affordable housing should be required to aid in the marketing of the affordable units in their prospective development.

The program should actively continue for as long as low and moderate-income units are initially available and continue when occupancy or re-occupancy becomes necessary.

## Resolutions

**RESOLUTION NO. 85-25**

**AUTHORIZING AND DIRECTING THE MUNICIPAL LAND USE BOARD TO INVESTIGATE WHETHER ALL OR A PORTION OF THE PROPERTY IDENTIFIED AS BLOCK 504, LOT 6 OF THE MUNICIPAL TAX MAP, COMMONLY KNOWN AS 510 CHESTNUT STREET, ALONG WITH ALL STREETS APPURTENANT THERETO, CONSTITUTE A NON-CONDEMNATION REDEVELOPMENT AREA PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET. SEQ.**

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended and supplemented from time to time (the “**Redevelopment Law**”), authorizes a municipality to determine whether certain parcels of land in the municipality constitute an “area in need of redevelopment;” and,

**WHEREAS**, to determine whether certain parcels of land constitute areas in need of redevelopment under the Redevelopment Law the municipal council (the “**Borough Council**”) of the Borough of Roselle Park (the “**Borough**”) must authorize the Borough’s Municipal Land Use Board (the “**Land Use Board**”) to conduct a preliminary investigation of the area and make recommendations to the Borough Council; and,

**WHEREAS**, the Borough Council now desires to authorize and direct the Land Use Board to conduct an investigation of certain property identified as Block 504, Lot 6 on the tax map of the Borough, along with all streets and rights of way appurtenant thereto (collectively, the “**Study Area**”), to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically *N.J.S.A. 40A:12A-5*, and should be designated as an area in need of redevelopment without powers of eminent domain; and,

**WHEREAS**, the redevelopment area determination requested hereunder, in connection with the Study Area, authorizes the Borough Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, excluding the power of eminent domain to acquire property in the Study Area, and any redevelopment area so designated shall be referred to as a “Non-Condemnation Redevelopment Area,” pursuant to *N.J.S.A. 40A:12A-6*; and,

**WHEREAS**, the Borough Council therefore authorizes and directs the Land Use Board to conduct a preliminary investigation of the Study Area and to make recommendations to the Borough Council, all in accordance with the Redevelopment Law.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey as follows:


1. **Generally.** The aforementioned recitals are incorporated herein as though fully set forth at length.
2. **Investigation of Study Area Authorized.** The Land Use Board is hereby authorized and directed to conduct an investigation pursuant to *N.J.S.A. 40A:12A-6* to determine whether all or a portion of the Study Area satisfies the criteria set forth in the Redevelopment Law, including *N.J.S.A. 40A:12A-5*, to be designated as a Non-Condemnation Redevelopment Area.
3. **Map to be Prepared.** As part of its investigation, the Land Use Board, through the Borough’s qualified professionals, shall prepare a map showing the boundary of the Study Area and appended thereto shall be a statement setting forth the basis of the investigation.

4. **Land Use Board Public Hearing.** The Land Use Board shall conduct a public hearing, after giving due notice containing the proposed boundary of the Study Area, a statement stating that a map has been prepared and can be inspected at the office of the Borough's Municipal Clerk, and the date, time, and location of the Land Use Board's public hearing. The notice of the hearing shall specifically state that the redevelopment area determination shall not authorize the Borough to exercise the power of eminent domain to acquire property in the delineated area, for the Study Area is being investigated as a possible Non-Condernation Redevelopment Area. At the public hearing, the Land Use Board shall hear from all persons who are interested in or would be affected by a determination that the Study Area is a redevelopment area. All objections to a determination that the Study Area is an "area in need of redevelopment" and evidence in support of those objections shall be received and considered by the Land Use Board and shall be made part of the public record.
5. **Land Use Board to Make Recommendations.** After conducting its investigation, preparing a map of the proposed redevelopment area, and conducting a public hearing at which all objections to the designation are received and considered, the Land Use Board shall make a recommendation to the Borough Council as to whether the Borough should designate all or a portion of the Study Area as a Non-Condernation Redevelopment Area. In the event the Borough Council shall designate the Study Area as a Non-Condernation Redevelopment Area, the Borough shall be authorized to use all the powers provided under the Redevelopment Law for use in a redevelopment area, excluding the power of eminent domain to acquire property in the Condernation Redevelopment Area.
6. **Preparation of a Redevelopment Plan.** In the event the Borough Council shall designate the Study Area as a Non-Condernation Redevelopment Area, the Land Use Board is hereby authorized and directed to review or otherwise prepare a redevelopment plan for the Study Area upon referral by the Borough Council.
7. **Severability.** If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.
8. **Availability of the Resolution.** A copy of this Resolution shall be available for public inspection at the offices of the Borough Clerk.
9. **Effective Date.** This Resolution shall take effect immediately.

**ADOPTED:** March 6, 2025

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
SIGNORELLO (Mayor)						
PETROSKY			✓			
JOHNSON			✓			
SIGNORELLO			✓			
ROBAINA		✓	✓			
LYONS	✓		✓			
PATEL				✓		
ON CONSENT AGENDA		YES	✓ NO			

I hereby certify that the foregoing Resolution was acted upon by the governing body on March 6, 2025 with the below captioned results on a motion to adopt.

  
**Andrew J. Casais, RMC**  
 Borough Clerk

**RESOLUTION NO. 119-23**

**AUTHORIZING AND DIRECTING THE MUNICIPAL LAND USE BOARD TO INVESTIGATE WHETHER ALL OR A PORTION OF THE PROPERTY IDENTIFIED AS BLOCK 606, LOTS 25, 26, 27, 28, 29, 30, 31, 32, 36.01 AND 38 OF THE MUNICIPAL TAX MAP CONSTITUTE A NON-CONDEMNATION REDEVELOPMENT AREA PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 40A:12A-1 ET SEQ.***

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”), authorizes a municipality to determine whether certain parcels of land in the municipality constitute an “area in need of redevelopment;” and,

**WHEREAS**, to determine whether certain parcels of land constitute areas in need of redevelopment under the Redevelopment Law the municipal council (the “**Borough Council**”) of the Borough of Roselle Park (the “**Borough**”) must authorize the Municipal Land Use Board (the “**Land Use Board**”) to conduct a preliminary investigation of the area and make recommendations to the Borough Council; and,

**WHEREAS**, the Borough Council now desires to authorize and direct the Land Use Board to conduct an investigation of Block 606, Lots 25, 26, 27, 28, 29, 30, 31, 32, 36.01 and 38, along with all streets and rights of way appurtenant thereto (collectively, the “**Study Area**”) to determine whether the Study Area meets the criteria set forth in the Redevelopment Law, specifically *N.J.S.A. 40A:12A-5*, and should be designated as an area in need of redevelopment; and,

**WHEREAS**, the redevelopment area determination requested hereunder, in connection with the Study Area, authorizes the Borough Council to use all those powers provided by the Redevelopment Law for use in a redevelopment area, except the power of eminent domain (hereinafter referred to as a “**Non-condemnation Redevelopment Area**”); and,

**WHEREAS**, the Borough Council therefore authorizes and directs the Land Use Board to conduct a preliminary investigation of the Study Area and to make recommendations to the Borough Council, all in accordance with the Redevelopment Law.


**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Borough Council of the Borough of Roselle Park, New Jersey as follows:

1. **Generally.** The aforementioned recitals are incorporated herein as though fully set forth at length.
2. **Investigation of Study Area Authorized.** The Land Use Board is hereby authorized and directed to conduct an investigation pursuant to *N.J.S.A. 40A:12A-6* to determine whether all or a portion of the Study Area satisfies the criteria set forth in the Redevelopment Law, including *N.J.S.A. 40A:12A-5*, to be designated as a Non-condemnation Redevelopment Area.
3. **Map to be Prepared.** As part of its investigation, the Land Use Board shall prepare a map showing the boundary of the Study Area.
4. **Public Hearing Required.** The Land Use Board shall conduct a public hearing, after giving due notice of the proposed boundary of the Study Area and the date of the hearing to any persons who are interested in or would be affected by a determination that the Study Area is a Non-condemnation Redevelopment Area.

5. **Land Use Board to Make Recommendations.** After conducting its investigation, preparing a map of the proposed redevelopment area, and conducting a public hearing at which all objections to the designation are received and considered, the Land Use Board shall make a recommendation to the Borough Council as to whether the Borough should designate all or a portion of the Study Area as a Non-condemnation Redevelopment Area.
6. **Preparation of a Redevelopment Plan.** In the event the Land Use Board determines to recommend that the Borough Council designate the Study Area as a Non-condemnation Redevelopment Area, the Land Use Board is hereby authorized and directed to prepare a redevelopment plan for the Study Area without need of further action by the Borough Council.
7. **Severability.** If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.
8. **Availability of the Resolution.** A copy of this Resolution shall be available for public inspection at the offices of the Borough Clerk.
9. **Effective Date.** This Resolution shall take effect immediately.

**ADOPTED:** April 20, 2023

I hereby certify that the foregoing Resolution was acted upon by the governing body on April 20, 2023 with the below captioned results on a motion to adopt.



**Andrew J. Casais, RMC**  
Borough Clerk

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
SIGNORELLO (Mayor)						
PETROSKY			✓			
JOHNSON		✓	✓			
SIGNORELLO	✓		✓			
ROBAINA			✓			
LYONS			✓			
PATEL			✓			
ON CONSENT AGENDA	YES		✓ NO			



**RESOLUTION NO. 256-23**

**DESIGNATING THE AREA IDENTIFIED AS BLOCK 606, LOTS 25, 26, 27, 28, 29, 30, 31, 32, 36.01 AND 38 OF THE MUNICIPAL TAX MAP OF THE BOROUGH OF ROSELLE PARK, COMMONLY KNOWN AS 112 LOCUST STREET, 101 WEST WESTFIELD AVENUE, 105 WEST WESTFIELD AVENUE, 111 WEST WESTFIELD AVENUE, 115 WEST WESTFIELD AVENUE, 121 WEST WESTFIELD AVENUE, 129 WEST WESTFIELD AVENUE, 133 WEST WESTFIELD AVENUE, 147 WEST WESTFIELD AVENUE, AND 159 WEST WESTFIELD AVENUE, ALONG WITH ALL STREETS AND RIGHTS OF WAY APPURTENANT THERETO, AS A NON-CONDEMNATION AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.**

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “**Redevelopment Law**”) authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment; and,

**WHEREAS**, by Resolution No. 119-23, adopted on April 20, 2023, the municipal council (the “**Borough Council**”) of the Borough of Roselle Park (the “**Borough**”) authorized and directed the Borough’s Municipal Land Use Board (the “**Land Use Board**”) to conduct a preliminary investigation to determine whether the properties identified as Block 606, Lots 25, 26, 27, 28, 29, 30, 31, 32, 36.01 and 38 on the Borough’s tax maps, along with all streets and rights of way appurtenant thereto (the “**Study Area**”) meet the criteria set forth in the Redevelopment Law for designation as a non-condemnation area in need of redevelopment; and,

**WHEREAS**, by Resolution No. 120-23, adopted on April 20, 2023, the Borough Council authorized and directed the Borough’s Planning Consultant, CME Associates (the “**Planning Consultant**”), to perform the preliminary investigation to determine whether the Study Area meets the criteria set forth in the Redevelopment Law for designation as a non-condemnation area in need of redevelopment and prepare a report containing its findings; and,

**WHEREAS**, the Planning Consultant undertook the preliminary investigation and prepared a report containing its findings entitled, “Non-Condensation Area in Need of Redevelopment Study Block 606, Lots 25, 26, 27, 28, 29, 30, 31, 32, 36.01 and 38, Borough of Roselle Park, Union County, NJ” dated June 2023 (the “**Report**”); and,

**WHEREAS**, the Redevelopment Law requires the Land Use Board to conduct a public hearing prior to a determination whether the Study Area should be designated as a non-condemnation area in need of redevelopment, at which hearing the Land Use Board shall hear all persons who are interested in or would be affected by a determination that the property is an area in need of redevelopment; and,

**WHEREAS**, on July 17, 2023, after providing due notice, the Land Use Board conducted a public hearing (the “**Public Hearing**”) in accordance with the Redevelopment Law to determine whether the Study Area qualifies as a non-condemnation area in need of redevelopment and whether to recommend the Borough Council designate the Study Area as a non-condemnation area in need of redevelopment; and,

**WHEREAS**, at the Public Hearing, the Land Use Board reviewed the findings of the Planning Consultant set forth in the Report, heard expert testimony from the Planning Consultant, and gave members of the public and interested parties an opportunity to be heard regarding the potential designation of the Study Area as a non-condemnation area in need of redevelopment; and,

**WHEREAS**, the Planning Consultant concluded in the Report, and testified to the Land Use Board at the Public Hearing, that there is evidence to support the conclusion that the properties in the Study Area satisfy the criteria set forth in the Redevelopment Law for designation as a non-condemnation area in need of redevelopment; and,

**WHEREAS**, at the conclusion of the Public Hearing, the Land Use Board determined and recommended, for the reasons set forth in the Report and explained on the record during the public hearing as memorialized in a resolution of the Land Use Board, that the properties in the Study Area meet the criteria set forth in the Redevelopment Law for designation as a non-condemnation area in need of redevelopment and recommended that the Borough Council so designate the Study Area as a non-condemnation area in need of redevelopment pursuant to the Redevelopment Law; and,

**WHEREAS**, the Borough Council agrees with the Land Use Board's findings and the Planning Consultant's conclusions set forth in the Report, and desires to designate the Study Area as a non-condemnation area in need of redevelopment pursuant to *N.J.S.A. 40A:12A-6*, such designation authorizing the Borough and Borough Council to use all those powers provided by the Redevelopment Law for use in an area in need of redevelopment, other than the power of eminent domain.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey, as follows:

**SECTION 1.**

The aforementioned recitals hereof are incorporated herein as though set forth at length herein.

**SECTION 2.**

After considering the conclusions set forth in the Report and the Land Use Board's findings and recommendations, the Borough hereby finds that the Study Area meets the statutory criteria pursuant to *N.J.S.A. 40A:12A-5* for designation as a non-condemnation area in need of redevelopment, and the Study Area is hereby designated as a non-condemnation area in need of redevelopment pursuant to *N.J.S.A. 40A:12A-6* (the "**Non-Condensation Redevelopment Area**").

**SECTION 3.**

The designation of the Study Area as a non-condemnation area in need of redevelopment shall authorize the Borough to exercise all of its powers under the Redevelopment Law in the Non-Condensation Redevelopment Area, other than the power of eminent domain.

**SECTION 4.**

The Borough Clerk is hereby directed to transmit a copy of this Resolution to the Commissioner of the New Jersey Department of Community Affairs for review pursuant to *N.J.S.A. 40A:12A-6* (b)(5)(c) of the Redevelopment Law.

**SECTION 5.**

The Borough Clerk is hereby directed to serve, within ten (10) days hereof, a copy of this Resolution upon (i) all record owners of property located within the Non-Condensation Redevelopment Area, as reflected on the tax assessor's records, and (ii) each person who filed a


written objection prior to the Public Hearing, service to be in the manner provided by *N.J.S.A.* 40A:12A-6 of the Redevelopment Law.

**SECTION 6.**

This Resolution shall take effect immediately.

**ADOPTED:** August 24, 2023

I hereby certify that the foregoing Resolution was acted upon by the governing body on August 24, 2023 with the below captioned results on a motion to adopt.

  
 Andrew J. Casais, RMC  
 Borough Clerk

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
SIGNORELLO (Mayor)						
PETROSKY			✓			
JOHNSON		✓	✓			
SIGNORELLO	✓		✓			
ROBAINA			✓			
LYONS			✓			
PATEL						✓
ON CONSENT AGENDA	YES		✓	NO		

**SURENIAN, EDWARDS, BUZAK & NOLAN LLC**

311 Broadway, Suite A

Point Pleasant Beach, NJ 08742

(732) 612-3100

By: Erik C. Nolan, Esq. (Attorney ID: 014032006 )

*Attorneys for Declaratory Plaintiff, Borough of Roselle Park*

**IN THE MATTER OF THE  
APPLICATION OF THE BOROUGH OF  
ROSELLE PARK, COUNTY OF UNION,  
STATE OF NEW JERSEY**

**SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION: UNION COUNTY**

DOCKET NO.: UNN-L-\_\_\_\_

CIVIL ACTION  
AFFORDABLE HOUSING DISPUTE  
RESOLUTION PROGRAM  
PER DIRECTIVE # 14-24

**COMPLAINT FOR DECLARATORY  
RELIEF PURSUANT TO AOC  
DIRECTIVE # 14-24**

Declaratory Plaintiff, the Borough of Roselle Park, County of Union, State of New Jersey (hereinafter, “Roselle Park” or the “Borough”), a municipal corporation of the State of New Jersey, with principal offices located at 110 East Westfield Avenue, Roselle Park, New Jersey 07204, by way of filing this Declaratory Judgment Complaint to start this Declaratory Judgment Action (“DJ Action”) as authorized under Directive # 14-24 of the Administrative Office of the Courts (“AOC”) alleges and says:

***Background***

1. Roselle Park is a municipal corporation of the State of New Jersey.
2. The Municipal Land Use Board of the Borough of Roselle Park (hereinafter, “Municipal Land Use Board”) is a municipal agency created and organized under the Municipal Land Use Law, N.J.S.A. 40:55D-1 et. seq., (“MLUL”), and, among other duties and obligations,

is responsible for adopting the Fourth Round Housing Element and Fair Share Plan (“HEFSP”) of Roselle Park’s Master Plan.

3. Through this DJ Action, Roselle Park seeks the following relief in relation to its Fourth Round (2025-2035) affordable housing obligation: (a) to secure the jurisdiction of the Affordable Housing Alternative Dispute Resolution Program (the “Program”) pursuant to P.L. 2024, c.2 (hereinafter, the “Act”) and the Court, pursuant to AOC Directive # 14-24; (b) to have the Program and the Court approve the Borough of Roselle Park’s Present and Prospective affordable housing obligations as set forth in the binding resolution adopted by the Borough, attached hereto as **Exhibit 1**; (c) to have the Program and the Court approve the Borough’s HEFSP, to be adopted by the Municipal Land Use Board and endorsed by the Borough Council, and issue a conditional or unconditional “Compliance Certification” pursuant to the Act or other similar declaration; (d), through the filing of this DJ Action and binding resolution, to have the Program and the Court confirm Roselle Park’s immunity from all exclusionary zoning litigation, including builder’s remedy lawsuits, during the pendency of the process outlined in the Act and for the duration of Fourth Round, i.e., through June 30, 2035; and (e) to have the Program and the Court take such other actions and grant such other relief as may be appropriate to ensure that the Borough receives and obtains all protections as afforded to it in complying with the requirements of the Act, including, without limitation, all immunities and presumptions of validity necessary to satisfy its affordable housing obligations voluntarily without having to endure the expense and burdens of unnecessary third party litigation.

## **COUNT I**

### **ESTABLISHMENT OF JURISDICTION UNDER P.L.2024, C. 2**

4. The Borough of Roselle Park repeats and realleges each and every allegation as set forth in the previous paragraphs of this Declaratory Judgment Complaint as if set forth herein in full.

5. The Act represents a major revision of the Fair Housing Act of 1985, N.J.S.A. 52:27D-301 et. seq.

6. Among other things, the Act abolished the Council on Affordable Housing (hereinafter, “COAH”), and replaced it with seven retired, on recall judges designated as the Program. Among other things, the Act authorized the Director of the AOC (hereinafter, “Director”) to create a framework to process applications for a compliance certification.

7. On or about December 19, 2024, the Director issued Directive #14-24, which among other things, required municipalities seeking compliance certification to file an action in the form of a Declaratory Judgment Complaint and Civil Case Information Statement in the County in which the municipality is located within 48 hours after the municipality’s adoption of a binding resolution establishing the municipality’s Fourth Round numbers, as authorized under the Act, with an attached copy of said binding resolution.

8. The Borough adopted a binding resolution establishing its present and prospective affordable housing obligations within the statutory window of time set forth in the Act and in accordance with the methodology and formula set forth in the Act, a certified copy of which resolution is attached to this DJ Action as **Exhibit 1**.

9. Based on the foregoing, the Borough has established the jurisdiction of the Program and the Court in regard to this DJ Action for a Compliance Certification as set forth hereinafter.

**WHEREFORE**, the Borough of Roselle Park seeks a declaratory judgment for the following relief:

- a. Declaring that the Borough has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as **Exhibit 1** to this Declaratory Judgment Complaint or to adjust such determination consistent with the Act;
- b. Declaring the present and prospective affordable housing obligations of the Borough under the Act;
- c. Declaring the approval of the Borough's HEFSP subsequent to its adoption by the Municipal Land Use Board and its endorsement by the Borough Council, including, as appropriate and applicable, (i) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; (ii) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (iii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iv) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (v) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (vi) an adjustment based upon any ruling in litigation involving affordable housing obligations; and/or (vii)

any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations;

- d. Declaring that the Borough continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established by the Act;
- e. Declaring and issuing a Compliance Certification and continuing immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to the Borough of Roselle Park for the period beginning July 1, 2025 and ending June 30, 2035; and
- f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and all applicable regulations related to affordable housing within the State of New Jersey.

## **COUNT II**

### **DETERMINATION OF THE PRESENT AND PROSPECTIVE NEED OF THE BOROUGH OF ROSELLE PARK**

**10.** Roselle Park repeats and realleges each and every allegation set forth in the previous paragraphs of this DJ Action as if set forth herein in full.

**11.** The Act adopted the methodology to calculate every municipality's present and prospective need affordable housing obligation for the Fourth Round (2025-2035) and beyond.

**12.** The Act directed the Department of Community Affairs ("DCA") to apply the methodology and to render a non-binding calculation of each municipality's present and prospective affordable housing obligations to be contained in a report to be issued no later than October 20, 2024.



13. The DCA issued its report on October 18, 2024.

14. Pursuant to the October 18, 2024 report, the DCA calculated Roselle Park’s present and prospective affordable housing obligations as follows:

<b>FOURTH ROUND PRESENT NEED (REHABILITATION) OBLIGATION</b>	<b>FOURTH ROUND PROSPECTIVE NEED OBLIGATION (2025-2035)</b>
78	75

15. Pursuant to the Act, a municipality desiring to participate in the Program is obligated to adopt a “binding resolution” determining its present and prospective affordable housing obligations to which it will commit based upon the methodology set forth in the Act.

16. Roselle Park adopted a binding resolution, a copy of which resolution is attached hereto and made a part hereof as **Exhibit 1** to this Declaratory Judgment Complaint.

17. The binding resolution maintains that Roselle Park’s Round 4 (2025-2035) Present Need (Rehabilitation) Obligation is 78 and its Prospective Need (“New Construction”) Obligation is 75.

18. Roselle Park seeks the approval of, and confirmation by, the Program and the Court of the Round 4 (2025-2035) Present and Prospective affordable housing obligations as set forth in the binding resolution attached hereto and made a part hereof as **Exhibit 1**, or the adjustment of those obligations consistent with the Act and all applicable regulations.

19. Pursuant to the binding resolution, the Borough of Roselle Park reserves all rights to amend its affordable housing obligations in the event of a successful legal challenge, or legislative change, to the Act.

**20.** Pursuant to the binding resolution, Roselle Park specifically reserves the right to seek and obtain 1) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); 4) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; 5) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; 6) an adjustment based upon any ruling in litigation involving affordable housing obligations; and 7) any other applicable adjustment permitted in accordance with the Act and/or applicable COAH regulations.

**WHEREFORE**, the Borough of Roselle Park seeks a declaratory judgment for the following relief:

- a.** Declaring that the Borough has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as **Exhibit 1** to this DJ Action or to adjust such determination consistent with the Act;
- b.** Declaring the present and prospective affordable housing obligations of the Borough under the Act;
- c.** Declaring the approval of Borough's HEFSP subsequent to its adoption by the Municipal Land Use Board and its endorsement by the Borough Council, including, as appropriate and applicable, (i) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; (ii) a Vacant Land Adjustment predicated upon a lack of vacant, developable and

suitable land; (iii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iv) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (v) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (vi) an adjustment based upon any ruling in litigation involving affordable housing obligations; and/or (vii) any other applicable adjustment permitted in accordance with the Act and/or all applicable regulations;

- d. Declaring that the Borough continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established by the Act;
- e. Declaring and issuing a Compliance Certification and continuing immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to Roselle Park for the period beginning July 1, 2025 and ending June 30, 2035; and
- f. Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and all applicable regulations related to affordable housing within the State of New Jersey.

### **COUNT III**

#### **APPROVAL OF BOROUGH'S HOUSING ELEMENT AND FAIR SHARE PLAN**

**21.** The Borough of Roselle Park repeats and realleges each and every allegation set forth in the previous paragraphs of this DJ Action as if set forth herein in full.

**22.** Pursuant to the Act, a HEFSP must be prepared, adopted by the Municipal Land Use Board and endorsed by the municipality by June 30, 2025.

**23.** Roselle Park hereby commits for its professionals to prepare the appropriate HEFSP to address its affordable housing obligations, as determined by the Program and the Court which HEFSP shall apply as appropriate, any applicable adjustments, including, without limitation, 1) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); 4) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; 5) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; 6) an adjustment based upon any ruling in litigation involving affordable housing obligations; and 7) any other applicable adjustment permitted in accordance with the Act and/or applicable regulations.

**WHEREFORE**, the Borough of Roselle Park seeks a declaratory judgment for the following relief:

- a.** Declaring that Roselle Park has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as **Exhibit 1** to this Declaratory Judgment Complaint or to adjust such determination consistent with the Act;
- b.** Declaring the present and prospective affordable housing obligations of the Borough under the Act;
- c.** Declaring the approval of the Borough's HEFSP subsequent to its adoption by the Municipal Land Use Board and its endorsement by the Borough Council,

including, as appropriate and applicable, (i) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; (ii) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (iii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iv) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (v) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (vi) an adjustment based upon any ruling in litigation involving affordable housing obligations; and/or (vii) any other applicable adjustment permitted in accordance with the Act and/or all applicable regulations;

- d.** Declaring that the Borough of Roselle Park continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established by the Act;
- e.** Declaring and issuing a Compliance Certification and continuing immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to the Borough of Roselle Park for the period beginning July 1, 2025 and ending June 30, 2035; and
- f.** Declaring such other relief that the program and Court deems just and proper within the parameters of the Act and all applicable regulations related to affordable housing within the State of New Jersey.

## **COUNT IV**

### **CONFIRMATION OF IMMUNITY**

**24.** The Borough of Roselle Park repeats and realleges each and every allegation set forth in the previous paragraphs of this Declaratory Judgment Complaint as if set forth herein in full.

**25.** Pursuant to the Act, a municipality that complies with the deadlines in the Act for both determining present and prospective affordable housing obligations and for adopting an appropriate HEFSP shall have immunity from exclusionary zoning litigation.

**26.** The Borough of Roselle Park has met the deadline for the adoption and filing of its binding resolution not later than January 31, 2025, and the filing of this DJ Action in accordance with AOC Directive #14-24 not later than February 3, 2025, by adopting the binding resolution attached to this DJ Action as **Exhibit 1**, and has also committed to the adoption of its HEFSP by June 30, 2025.

**WHEREFORE**, the Borough of Roselle Park seeks a declaratory judgment for the following relief:

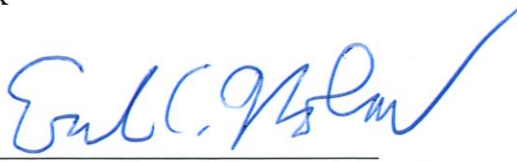
- a.** Declaring that the Borough has established jurisdiction for the Program and the Court to confirm its present and prospective affordable housing needs as set forth in the binding resolution attached as **Exhibit 1** to this Declaratory Judgment Complaint or to adjust such determination consistent with the Act;
- b.** Declaring the present and prospective affordable housing obligations of the Borough under the Act;
- c.** Declaring the approval of the Borough's HEFSP subsequent to its adoption by the Municipal Land Use Board and its endorsement by the Borough Council,

including, as appropriate and applicable, (i) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; (ii) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; (iii) a Durational Adjustment (whether predicated upon lack of sanitary sewer or lack of water); (iv) an adjustment predicated upon regional planning entity formulas, inputs or considerations, as applicable; (v) an adjustment based on any future legislation that may be adopted that allows an adjustment of the affordable housing obligations; (vi) an adjustment based upon any ruling in litigation involving affordable housing obligations; and (vii) any other applicable adjustment permitted in accordance with the Act and/or all applicable regulations;

- d.** Declaring that the Borough continues to have immunity from all exclusionary zoning litigation and all litigation related to its affordable housing obligations as established by the Act;
- e.** Declaring and issuing a Compliance Certification and continuing immunity from exclusionary zoning litigation in accordance with the Act and Directive # 14-24 to the Borough of Roselle Park for the period beginning July 1, 2025 and ending June 30, 2035; and
- f.** Declaring such other relief that the Program and Court deems just and proper within the parameters of the Act and all applicable regulations related to affordable housing within the State of New Jersey.

**SURENIAN EDWARDS BUZAK & NOLAN LLC**  
Attorneys for Declaratory Plaintiff, Borough of Roselle  
Park

By



Erik C. Nolan, Esq.

Dated: January 24, 2025

**CERTIFICATION PURSUANT TO R. 4:5-1**

Erik C. Nolan, Esq., of full age, hereby certifies as follows:

1. I am a member of the Firm of Surenian, Edwards, Buzak & Nolan LLC, attorneys for declaratory plaintiff, Borough of Roselle Park.
2. To the best of my knowledge, there is no other action pending in any court or any pending arbitration proceeding of which the matter in controversy herein is the subject and no such other action or arbitration proceeding is contemplated. To the best of my knowledge, there are no other parties who should be joined in this action.
3. The within Complaint was filed and served within the time prescribed by the Rules of Court.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

**SURENIAN EDWARDS BUZAK & NOLAN LLC**  
Attorneys for Declaratory Plaintiff, Borough of Roselle  
Park

By



Erik C. Nolan, Esq.

Dated: January 24, 2025



**CERTIFICATION PURSUANT TO R. 1:38-7(b)**

Erik C. Nolan, Esq., of full age, hereby certifies as follows:

1. I am a member of the firm of Surenian, Edwards, Buzak & Nolan LLC, attorneys for Declaratory Plaintiff, Borough of Roselle Park.
2. I certify that confidential personal identifiers have been redacted from documents now submitted to the Court and will be redacted from all documents submitted in the future in accordance with R. 1:38-7(b).

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

**SURENIAN EDWARDS BUZAK & NOLAN LLC**  
Attorneys for Declaratory Plaintiff, Borough of Roselle  
Park

By



Erik C. Nolan, Esq.

Dated: January 24, 2025

**DESIGNATION OF TRIAL COUNSEL**

Pursuant to R. 4:25-4, notice is hereby given that Erik C. Nolan, Esq., attorney for the Declaratory Plaintiff, Borough of Roselle Park is designated as trial counsel in the above captioned matter.

**SURENIAN EDWARDS BUZAK & NOLAN LLC**  
Attorneys for Declaratory Plaintiff, Borough of Roselle  
Park

By



Erik C. Nolan, Esq.

Dated: January 24, 2025

# EXHIBIT 1

## RESOLUTION NO. 41-25

### **COMMITTING TO FOURTH ROUND PRESENT AND PROSPECTIVE NEED AFFORDABLE HOUSING OBLIGATIONS**

**WHEREAS**, the Borough of Roselle Park (hereinafter the “Borough” or Roselle Park”) has a demonstrated history of voluntary compliance as evidenced by its Third Round record; and,

**WHEREAS**, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on June 12, 2015, the Borough of Roselle Park filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Third Round Housing Element and Fair Share Plan, to be amended as necessary, satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine,” and,

**WHEREAS**, that culminated in a Court-approved Third Round Housing Element and Fair Share Plan and a Final Judgment of Compliance and Repose, which precludes all Mount Laurel lawsuits, including builder’s remedy lawsuits until July 1, 2025; and,

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

**WHEREAS**, the Amended FHA required the Department of Community Affairs (“DCA”) to provide an estimate of the Fourth Round affordable housing obligations for all municipalities on or before October 20, 2024, based upon the criteria described in the Amended FHA; and,

**WHEREAS**, the DCA issued a report on October 18, 2024 (“DCA Report”) wherein it reported its estimate of the Fourth Round affordable housing obligations for all municipalities based upon its interpretation of the standards in the Amended FHA; and,

**WHEREAS**, the DCA Report calculates the Borough’s Fourth Round (2025-2035) obligations as follows: a Present Need (Rehabilitation) Obligation of 78 and a Prospective Need (New Construction) Obligation of 75; and,

**WHEREAS**, the Amended FHA further provides that, irrespective of the DCA’s calculations, municipalities have the ability to either accept, or provide alternate calculations for, the DCA’s “present and prospective fair share obligation(s)...by binding resolution no later than January 31, 2025”, a deadline which was later extended to February 3, 2025 by the Administrative Office of the Courts (“AOC”) via a directive issued on December 19, 2024; and,

**WHEREAS**, this Resolution satisfies the requirements of the Amended FHA by accepting the DCA estimate of need as described in the DCA Report; and,

**WHEREAS**, Section 3 of the Amended FHA provides that: “the municipality’s determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7” of the Amended FHA; and,

**WHEREAS**, the Borough’s acceptance of the Fourth Round obligations calculated by the DCA are entitled to a “presumption of validity” because it complies with Sections 6 and 7 of the Amended FHA; and,

**WHEREAS**, in addition to the foregoing, the Borough specifically reserves the right to adjust its

fair share obligations in accordance with applicable Council on Affordable Housing ("COAH") regulations or other applicable law based on one or more of the foregoing adjustments if applicable: 1) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment, whether predicated upon lack of sewer or lack of water; and/or 4) an adjustment predicated upon regional planning entity formulas, inputs or considerations, including but not limited to, the Highlands Council Regional Master Plan and its build out, or the Pinelands Commission or Meadowlands Commission regulations and planning documents; and,

**WHEREAS**, in addition to the foregoing, the Borough specifically reserves all rights to revoke or amend this Resolution and commitment, as may be necessary, in the event of a successful challenge to the Amended FHA in the context of the case The Borough of Montvale v. the State of New Jersey (MER-L-1778-24), any other such action challenging the Amended FHA, or any legislation adopted and signed into law by the Governor of New Jersey that alters the deadlines and/or requirements of the Amended FHA; and,

**WHEREAS**, in addition to the foregoing, the Borough reserves the right to take a position that its Fourth Round Present or Prospective Need Obligations are lower than described herein in the event that a third party challenges the calculations provided for in this Resolution (a reservation of all litigation rights and positions, without prejudice); and,

**WHEREAS**, in addition to the foregoing, nothing in the Amended FHA requires or can require an increase in the Borough's Fourth Round Present or Prospective Need Obligations based on a successful downward challenge of any other municipality in the region since the plain language and clear intent of the Amended FHA is to establish unchallenged numbers by default on March 1, 2025; and,

**WHEREAS**, in addition to the foregoing, the Acting Administrative Director of the AOC issued Directive #14-24 on December 19, 2024; and,

**WHEREAS**, pursuant to Directive #14-24, a municipality seeking a Fourth Round Compliance Certification from the entity created by the Amended FHA known as the Affordable Housing Dispute Resolution Program (hereinafter "the Program"), shall file an action in the appropriate venue with the Program, in the form of a Declaratory Judgment Complaint within 48 hours after adoption of the municipal resolution accepting or challenging its Fourth Round fair share obligations, or by February 3, 2025, whichever is sooner; and,

**WHEREAS**, nothing in this Resolution shall be interpreted as an acknowledgment of the legal validity of the AOC Directive and the Borough reserves any and all rights and remedies in relation to the AOC Directive; and,

**WHEREAS**, the Borough seeks a Compliance Certification from the Program and, therefore, wishes to file a Declaratory Judgment Complaint in the appropriate venue with the Program, along with a copy of this Resolution, within 48 hours of the adoption of this Resolution; and,

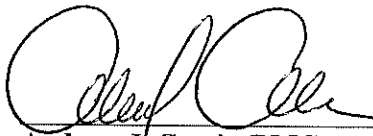
**WHEREAS**, in light of the above, the Mayor and Borough Council finds that it is in the best interest of the Borough to declare its obligations in accordance with this binding Resolution and in accordance with the Amended FHA; and,

**NOW, THEREOFRE, BE IT RESOLVED** that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey as follows:

1. All of the Whereas Clauses are incorporated into the operative clauses of this Resolution as if set forth in full.
2. For the reasons set forth in this Resolution, the Mayor and Borough Council hereby commit to the DCA Fourth Round Present Need (Rehabilitation) Obligation of 78 and the DCA Fourth Round Prospective Need (New Construction) Obligation of 75 as described in this Resolution, subject to all reservations of rights, which specifically include, without limitation, the following:
  - a) 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; and,
  - b) The right to revoke or amend this Resolution in the event of a successful legal challenge, or legislative change, to the Amended FHA; and,
  - c) The right to take any contrary position, or adjust its fair share obligations, in the event of a third party challenge to the Borough's fair share obligations.
3. Pursuant to the requirements of the FHA as amended, and the Administrator of the Court's (AOC) Directive #14-24 issued on December 19, 2024, the Borough hereby directs its Affordable Housing Counsel to file a Declaratory Judgment Complaint, along with this Resolution and a Case Information Statement (Civil CIS), in the appropriate venue with the Program or any other such entity as may be determined to be appropriate, to initiate an action within 48 hours of the adoption of this Resolution, so that the Borough's Fourth Round Housing Element and Fair Share Plan can be reviewed and approved.
4. This Resolution shall take effect immediately, according to law.

**ADOPTED:** January 23, 2025

I hereby certify that the foregoing Resolution was acted upon by the governing body on January 23, 2025 with the below captioned results on a motion to adopt.

  
**Andrew J. Casais, RMC**  
 Borough Clerk

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
SIGNORELLO (Mayor)						
PETROSKY			✓			
JOHNSON			✓			
SIGNORELLO			✓			
ROBAINA		✓	✓			
LYONS	✓		✓			
PATEL			✓			✓
ON CONSENT AGENDA	YES		✓ NO			



**RESOLUTION NO. 41-25****COMMITTING TO FOURTH ROUND PRESENT AND PROSPECTIVE NEED  
AFFORDABLE HOUSING OBLIGATIONS**

**WHEREAS**, the Borough of Roselle Park (hereinafter the “Borough” or Roselle Park”) has a demonstrated history of voluntary compliance as evidenced by its Third Round record; and,

**WHEREAS**, pursuant to In re N.J.A.C. 5:96 and 5:97, 221 N.J. 1 (2015) (Mount Laurel IV), on June 12, 2015, the Borough of Roselle Park filed a Declaratory Judgment Complaint in Superior Court, Law Division seeking, among other things, a judicial declaration that its Third Round Housing Element and Fair Share Plan, to be amended as necessary, satisfies its “fair share” of the regional need for low and moderate income housing pursuant to the “Mount Laurel doctrine,” and,

**WHEREAS**, that culminated in a Court-approved Third Round Housing Element and Fair Share Plan and a Final Judgment of Compliance and Repose, which precludes all Mount Laurel lawsuits, including builder’s remedy lawsuits until July 1, 2025; and,

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

**WHEREAS**, the Amended FHA required the Department of Community Affairs (“DCA”) to provide an estimate of the Fourth Round affordable housing obligations for all municipalities on or before October 20, 2024, based upon the criteria described in the Amended FHA; and,

**WHEREAS**, the DCA issued a report on October 18, 2024 (“DCA Report”) wherein it reported its estimate of the Fourth Round affordable housing obligations for all municipalities based upon its interpretation of the standards in the Amended FHA; and,

**WHEREAS**, the DCA Report calculates the Borough’s Fourth Round (2025-2035) obligations as follows: a Present Need (Rehabilitation) Obligation of 78 and a Prospective Need (New Construction) Obligation of 75; and,

**WHEREAS**, the Amended FHA further provides that, irrespective of the DCA’s calculations, municipalities have the ability to either accept, or provide alternate calculations for, the DCA’s “present and prospective fair share obligation(s)...by binding resolution no later than January 31, 2025”, a deadline which was later extended to February 3, 2025 by the Administrative Office of the Courts (“AOC”) via a directive issued on December 19, 2024; and,

**WHEREAS**, this Resolution satisfies the requirements of the Amended FHA by accepting the DCA estimate of need as described in the DCA Report; and,

**WHEREAS**, Section 3 of the Amended FHA provides that: “the municipality’s determination of its fair share obligation shall have a presumption of validity, if established in accordance with sections 6 and 7” of the Amended FHA; and,

**WHEREAS**, the Borough’s acceptance of the Fourth Round obligations calculated by the DCA are entitled to a “presumption of validity” because it complies with Sections 6 and 7 of the Amended FHA; and,

**WHEREAS**, in addition to the foregoing, the Borough specifically reserves the right to adjust its



fair share obligations in accordance with applicable Council on Affordable Housing ("COAH") regulations or other applicable law based on one or more of the foregoing adjustments if applicable: 1) a windshield survey or similar survey which accounts for a higher-resolution estimate of present need; 2) a Vacant Land Adjustment predicated upon a lack of vacant, developable and suitable land; 3) a Durational Adjustment, whether predicated upon lack of sewer or lack of water; and/or 4) an adjustment predicated upon regional planning entity formulas, inputs or considerations, including but not limited to, the Highlands Council Regional Master Plan and its build out, or the Pinelands Commission or Meadowlands Commission regulations and planning documents; and,

**WHEREAS**, in addition to the foregoing, the Borough specifically reserves all rights to revoke or amend this Resolution and commitment, as may be necessary, in the event of a successful challenge to the Amended FHA in the context of the case The Borough of Montvale v. the State of New Jersey (MER-L-1778-24), any other such action challenging the Amended FHA, or any legislation adopted and signed into law by the Governor of New Jersey that alters the deadlines and/or requirements of the Amended FHA; and,

**WHEREAS**, in addition to the foregoing, the Borough reserves the right to take a position that its Fourth Round Present or Prospective Need Obligations are lower than described herein in the event that a third party challenges the calculations provided for in this Resolution (a reservation of all litigation rights and positions, without prejudice); and,

**WHEREAS**, in addition to the foregoing, nothing in the Amended FHA requires or can require an increase in the Borough's Fourth Round Present or Prospective Need Obligations based on a successful downward challenge of any other municipality in the region since the plain language and clear intent of the Amended FHA is to establish unchallenged numbers by default on March 1, 2025; and,

**WHEREAS**, in addition to the foregoing, the Acting Administrative Director of the AOC issued Directive #14-24 on December 19, 2024; and,

**WHEREAS**, pursuant to Directive #14-24, a municipality seeking a Fourth Round Compliance Certification from the entity created by the Amended FHA known as the Affordable Housing Dispute Resolution Program (hereinafter "the Program"), shall file an action in the appropriate venue with the Program, in the form of a Declaratory Judgment Complaint within 48 hours after adoption of the municipal resolution accepting or challenging its Fourth Round fair share obligations, or by February 3, 2025, whichever is sooner; and,

**WHEREAS**, nothing in this Resolution shall be interpreted as an acknowledgment of the legal validity of the AOC Directive and the Borough reserves any and all rights and remedies in relation to the AOC Directive; and,

**WHEREAS**, the Borough seeks a Compliance Certification from the Program and, therefore, wishes to file a Declaratory Judgment Complaint in the appropriate venue with the Program, along with a copy of this Resolution, within 48 hours of the adoption of this Resolution; and,

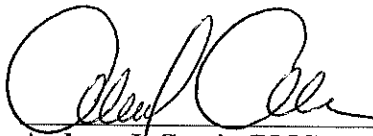
**WHEREAS**, in light of the above, the Mayor and Borough Council finds that it is in the best interest of the Borough to declare its obligations in accordance with this binding Resolution and in accordance with the Amended FHA; and,

**NOW, THEREOFRE, BE IT RESOLVED** that the Mayor and Council of the Borough of Roselle Park, County of Union, State of New Jersey as follows:

1. All of the Whereas Clauses are incorporated into the operative clauses of this Resolution as if set forth in full.
2. For the reasons set forth in this Resolution, the Mayor and Borough Council hereby commit to the DCA Fourth Round Present Need (Rehabilitation) Obligation of 78 and the DCA Fourth Round Prospective Need (New Construction) Obligation of 75 as described in this Resolution, subject to all reservations of rights, which specifically include, without limitation, the following:
  - a) 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; and,
  - b) The right to revoke or amend this Resolution in the event of a successful legal challenge, or legislative change, to the Amended FHA; and,
  - c) The right to take any contrary position, or adjust its fair share obligations, in the event of a third party challenge to the Borough's fair share obligations.
3. Pursuant to the requirements of the FHA as amended, and the Administrator of the Court's (AOC) Directive #14-24 issued on December 19, 2024, the Borough hereby directs its Affordable Housing Counsel to file a Declaratory Judgment Complaint, along with this Resolution and a Case Information Statement (Civil CIS), in the appropriate venue with the Program or any other such entity as may be determined to be appropriate, to initiate an action within 48 hours of the adoption of this Resolution, so that the Borough's Fourth Round Housing Element and Fair Share Plan can be reviewed and approved.
4. This Resolution shall take effect immediately, according to law.

**ADOPTED:** January 23, 2025

I hereby certify that the foregoing Resolution was acted upon by the governing body on January 23, 2025 with the below captioned results on a motion to adopt.

  
**Andrew J. Casais, RMC**  
 Borough Clerk

COUNCIL	INTRODUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
SIGNORELLO (Mayor)						
PETROSKY			✓			
JOHNSON			✓			
SIGNORELLO			✓			
ROBAINA		✓	✓			
LYONS	✓		✓			
PATEL			✓			✓
ON CONSENT AGENDA	YES		✓ NO			





# Civil Case Information Statement

## Case Details: UNION | Civil Part Docket# L-000355-25

**Case Caption:** IN THE MATTER OF ROSELLE PARK  
BORO

**Case Initiation Date:** 01/24/2025

**Attorney Name:** ERIK C NOLAN

**Firm Name:** SURENIAN, EDWARDS, BUZAK & NOLAN LLC

**Address:** 311 BROADWAY STE A

POINT PLEASANT BEACH NJ 08742

**Phone:** 7326123100

**Name of Party:** PLAINTIFF : Borough of Roselle Park

**Name of Defendant's Primary Insurance Company**  
(if known): None

**Case Type:** AFFORDABLE HOUSING

**Document Type:** Complaint

**Jury Demand:** NONE

**Is this a professional malpractice case?** NO

**Related cases pending:** NO

**If yes, list docket numbers:**

**Do you anticipate adding any parties (arising out of same transaction or occurrence)?** NO

**Does this case involve claims related to COVID-19?** NO

**Are sexual abuse claims alleged by: Borough of Roselle Park?** NO

## THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

**Do parties have a current, past, or recurrent relationship?** NO

**If yes, is that relationship:**

**Does the statute governing this case provide for payment of fees by the losing party?** NO

**Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:**

**Do you or your client need any disability accommodations?** NO

**If yes, please identify the requested accommodation:**

**Will an interpreter be needed?** NO

**If yes, for what language:**

**Please check off each applicable category: Putative Class Action?** NO **Title 59?** NO **Consumer Fraud?** NO  
**Medical Debt Claim?** NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

01/24/2025  
Dated

/s/ ERIK C NOLAN  
Signed

