TOWNSHIP OF SADDLE BROOK
PLANNING BOARD

Following are the minutes of the Saddle Brook Planning Board's Regular Meeting, held on Monday, January 18, 2021 at 7:56 p.m.

1. FLAG SALUTE

2. ROLL CALL: Mr. Ambrogio, Mr. Browne, Mr. Compitello, Mr. Hickey, Mr. LaGuardia, Councilman Gierek, Mr. Cook, Mr. Maniscalco, Mayor White, Mr. Mazzone and Ms. Barrale - PRESENT Mr. Camporeale - ABSENT
Also present were Stephen Pellino, Board attorney and Chris Briglia, Board engineer.

3. CHAIRMAN ANNOUNCES – OPEN PUBLIC MEETINGS ACT

4. RESOLUTION
Mr. Pellino- This matter was heard at two meetings; September and December. The Planning Board voted to approve the Site Plan with bulk variances at the December meeting. As required by law, the resolution memorializing that approval is on the agenda for adoption tonight. The application was brought by a prospective tenant or purchaser, not the property owner. The property owner, as required by law, consented to the application. I sent a copy of the drafted resolution to the applicant's attorney, as I normally do, for their comments. Subsequently, I heard from an attorney for the property owner, who indicated that whatever contractual deal was between Bogopa and the property owner had fallen apart and they are requesting that the resolution therefore, not be adopted. In fact, the attorney, Jeffrey Zenn, indicated that the owner is now withdrawing its consent to the application and therefore, it should be withdrawn. Bogopa's attorney took no position at all regarding this. In my opinion, the action of the Board took place in December. A resolution was made to approve, we took a vote, it was passed. What we're scheduled to do tonight is to simply memorialize what was already done. This is the written resolution that speaks for what was already accomplished in December. In my opinion, there is a state statute to that effect. In other words, the action of the Board is not tonight. The action of the Board was in December. The owners' attorney respectfully disagrees with that. They believe we should not go forward with the adoption of the resolution. I think we're duty bound to do it. I'll give the owner's representative an opportunity to speak and address this.
Marc Schlussel, one of the owners of 270 Market LLC – As Mr. Pellino mentioned, Jeff Zen sent a letter stating that Bogopa has terminated the contract, requested a return of their deposit and has no interest in the property. Our position is that it should be withdrawn and we should focus on a more productive applicant. (Quoted sections of the 01/18/21 letter from Jeffrey Zenn.) There is no harm to anyone in granting this request.
Mr. Pellino – Whether we adopt the resolution tonight, the owner or any further tenant or purchaser can always bring an another application. NJ Statute 40:55d-10 speaks about memorializing resolutions (quoted statute). Again, I think the Board is duty bound to adopt the resolution.
Mr. Compitello – We already voted on this. It would be different if this request came before the December meeting.

Mr. Compitello made a motion, seconded by Mayor White to adopt the resolution of approval for Bogopa Saddle Brook, LLC, 270 Market Street, Block 512, Lot 2. VOTE: Mr. Ambrogio, Mr. Browne, Mr. Compitello, Mr. LaGuardia, Mr. Cook, Mr. Maniscalco and Mayor White - YES

5. MINUTES
Mr. Compitello made a motion; seconded by Mr. Browne to adopt the minutes of the December 15, 2020 meeting. VOTE: All in Favor - YES

6. COMMUNICATIONS
Councilman Gierek made a motion; seconded by Mr. Browne to accept and file the communications. VOTE: All in Favor – YES

7. VOUCHERS
Mr. Compitello made a motion; seconded by Mr. Browne to pay the following vouchers, provided funds are available:

Carroll Engineering, 12/30/20, Bogopa Saddle Brook, LLC, $74.50
Carroll Engineering, 12/30/20, 76 Catherine, LLC, $298
Carroll Engineering, 12/30/20, John P. Fontana, $622
Basile Birchwale & Pellino, LLP, 01/04/21, Fourth Quarter Retainer, $607.75
Basile Birchwale & Pellino, LLP, 01/04/21, Bogopa Saddle Brook, LLC, $1,156.25
Basile Birchwale & Pellino, LLP, 01/04/21, 76 Catherine, LLC, $375
Paparozzi Associates, Inc., 01/07/21, Bogopa Saddle Brook, LLC, $67.50
Carroll Engineering, 03/07/19, T-Mobile Northeast, LLC, $292

All in Favor - YES

8. OPEN AND CLOSE THE MEETING TO THE PUBLIC
Mr. Compitello made a motion; seconded by Mr. Browne to open the meeting to the public.
All in Favor - YES
No public participation.
Mr. Compitello made a motion; seconded by Councilman Gierek to close the meeting to the public. All in Favor - YES

9. ADJOURN
Mr. Compitello made a motion; seconded by Mr. Browne to adjourn the meeting.
All in Favor - YES

Meeting adjourned 8:19 p.m.

Respectfully Submitted,

Jayne Kapner
Planning Board Secretary