

Following are the minutes of the Saddle Brook Planning Board's Regular Meeting, held on Monday, February 18, 2026 at 7:00 p.m.

1. FLAG SALUTE

2. ROLL CALL: Mr. Browne, Mr. Compitello, Mr. Cook, Mr. Hickey, Mr. LaGuardia, Councilman Gierek and Mayor White – PRESENT Mr. Ambrogio, Councilman Gierek, Mr. Camporeale, Mr. Vermilyea and Ms. Barrale - ABSENT
Also present was Anthony Cialone, Board attorney.

3. CHAIRMAN ANNOUNCES – OPEN PUBLIC MEETINGS ACT

4. NEW BUSINESS

A.) Review of the proposed Amended Fourth Round Housing Element and Fair Share Plan of the Township of Saddle Brook, New Jersey

Darlene Green, planner with Collier's Engineering, came forward and was sworn in. Ms. Green – I am here to present your amended 4th Round Housing Element and Fair Share Plan. The state adopted new legislation in 2024, amending the Fair Housing Act and setting forth very strict timelines for compliance from municipalities. If towns voluntarily comply, they will receive immunity from builder's remedy lawsuits. You will get to retain your zoning. Conversely, if towns don't comply, they lose their zoning powers and Master Plan and a judge will tell them what they are going to build in their town. They set forth various deadlines for towns to comply to maintain their immunity. We are now at the last deadline, of March 15. By this time, every municipality must either amend their Housing plan, as a result of mediation that occurred and/or adopt all of the effectuating ordinances (Zoning Ordinance, Spending Plan, Affirmative Marketing Plan, etc.). Last year, the township filed its Housing Plan timely and thereafter anyone could file a challenge to the town's Housing Plan. There's a 30-day window between August 1-31, by which anyone can file a challenge. During that time, there were two entities that filed a challenge: Fair Share Housing Center, an advocacy group out of Cherry Hill and 580 North Midland LLC, a property owner. After the challenges were filed, the Township was mandated to attend court mediation. The Township had to satisfy the challengers and come to a resolution. The governing body executed a mediation agreement in January, which does four things that modify the Housing Plan adopted last year. First, there are certain sites that require rezoning. Secondly, some of the existing overlay sites require an increased affordable housing set aside. Thirdly, the Fourth Round realistic development potential, which is that vacant land adjustment that adjusted the Fourth Round number downward to zero, was adjusted slightly up to 17. Lastly, these changes necessitated the Housing Plan in front of you tonight. The changes begin in Chapter 7, which is the capacity for the Fair Share Plan. One of the things you have to do in this process is to confirm that you have sufficient water and sewer for the sites you are rezoning for housing. I spoke with the Township engineer, who confirmed that there is sufficient water and sewer to service all of the sites that have been zoned for multifamily housing. We also updated the information on the State Development and Redevelopment Plan, which was adopted since Saddle Brook adopted their Housing Plan. In Chapter 10, the language about the Fourth Round obligation was updated. The obligation stayed at 279. During mediation, the town was forced to increase the Realistic Development Potential (RDP) from 0 to 17. When the Township takes a vacant land adjustment, they have to satisfy the Realistic Development Potential. The difference between the 279 and the 17 is called unmet need, which does not have to be satisfied. That only has to be addressed. We've added text in Chapter 10 about that change and there is a new table for Fourth Round Micro Requirements. Not only are municipalities assigned an obligation, there are also then micro requirements within that that you have to fulfill. A certain percentage of your units have to be

available to anyone. They are called family units. A maximum number of units can be available to seniors. Chapter 11, addresses some of the changes that came out of the mediation agreement. One of those changes is the increased affordable housing set aside in all of the AHOZ overlays (1, 2, 3 and 4). Currently, those zones say if a developer builds multifamily housing in that zone, rentals require 15% set aside; for sale units 20% set aside. As part of the mediation agreement, the Township had to change that to a 20% affordable housing set aside, blind to tenure. Even if you didn't do the mediation agreement, you should change it because there used to be an incentive to build rental units and you would get a bonus. That bonus is eliminated. Now there's no reason to give rental developers a break because the Township no longer receives that bonus. For the vacant land section, we had to add mechanisms to satisfy that 17 unit RDP. First, we have 93-95 Market Street. It's guided by a Redevelopment Plan. It permits up to 60 units and there is a 15% set aside. That site is going to generate 9 credits and 3 bonuses towards the Township's Fourth Round RDP. In addition, the Township discovered a sober living facility at 17 Liberty St. Sober living facility in-group homes are unique in that the town get a credit per bedroom, not a credit per unit. We are going to receive 4 credits and 1 bonus for that property. Those two mechanisms now satisfy that 17 unit RDP. Then, we had the unmet need that had to be dealt with. Fair Share Housing Center was adamant with any town taking a vacant land adjustment that you had to provide a certain percent of your unmet need through either overlay zoning redevelopment plans or rezone. Ultimately, the township negotiated three things: those increased set asides in the AHOZ zones, and two other sites. The first is controlled by Maxim Realty Trust in a 3.7 acre portion of Block 401. The Township is committed to adopt an overlay zone for those properties. That overlay zone would allow up to 220 total units with a 20% set aside. If that site did a total build out you would generate 44 affordable housing credits towards your unmet need. In addition, the Township negotiated with the developer, 580 North Midland Ave. LLC. They are part of the tri-party mediation agreement. The township has agreed to put two overlay zones on that property because the developer isn't sure what he wants to do yet. The first option is a supportive independent living facility for disabled individuals, up to 10 one-bedroom apartments. Option 2 would be 12 one-bedroom, age restricted units. Three of those 12 would have to be affordable units, if the developer selected that route. So it would be two overlay zones hovering over the same site. The underlying R-A zone would remain with the two overlay zones. All of those mechanisms reflect the mediation agreement. As part of that mediation agreement, the township has to amend the Housing Plan.

Mr. Cook – Does the advocacy group challenge every single land in the state?

Ms. Green – It is my understanding that they challenged roughly 400 of the 4,245 plans that were filed. This process involves a lot of strategy. When you repeat it in 10 years, because it's a 10 year cycle, it has to be done strategically.

Mr. Compitello – What is the requirement to meet the unmet needs of 262 units?

Ms. Green – It's three items that the township has agreed to do. One is to increase those AHOZ set asides. Second is the overlay on Block 401 to allow a multi-family housing development there. Then the 580 North Midland Ave. site to allow the two different options. Those three mechanisms have satisfied the Fair Share Housing Center and resolved their challenge. Under the statute, you are not required to meet the entire unmet need. You have to address it. The program that's overseeing the affordable housing compliance process and fair share housing center have become much stricter. They set a measuring bar of 25% of your unmet need to be achieved through some sort of rezoning.

Mr. Hickey – How do they come up with all of these numbers? Is it based on the population?

Ms. Green – The fourth round obligation is produced with three different points. One, they look at the increase in assessed value of nonresidential ratables over a 10 year period. Additionally, the higher your household income is above the lowest household income in your affordable housing region, the more affordable housing units you're assigned. The last factor is vacant

land. They average these three data points and then multiply that against the statewide number that was assigned to the fourth round, which is almost 85,000 affordable housing units in the state of NJ. The region you're in (region 1) was assigned the most affordable housing units in the state. Cape May county was assigned the smallest allocation of affordable housing units.

Mr. Hickey – Can every town in NJ say we're not doing this and fight it?

Ms. Green – Montvale is one of 30 towns fighting this. They've gone through every level of the court system and are now in federal court to fight this process. The state would not hear their case.

Mayor White – What happens in 10 years? We have to meet 25% of the unmet need?

Ms. Green – It's the Realistic Development Potential of 17 units that we have to satisfy.

Mayor White – What happens if we don't meet that?

Ms. Green – In 2035, Fair Share Housing Center will say there's something wrong with your zoning and that you have to fix it by increasing density, change bulk standards or abolish that zone and rezone something else.

Mr. Cook made a motion; seconded by Mayor White to open the meeting to the public for questions for Ms. Green. All in Favor - YES

John Manzo – You mentioned that before this can go forward that you have to get approval that the water and sewers can handle this. Who said that they could? Who did the study? I worked with the sewer department for 45 years. When I left 8 years ago, there was nothing on Van Bussum and nothing on Rosol Lane. We were running at close to 90% capacity at the pump station. When it rained, it would flood.

Ms. Green – I spoke to Robert Klein of Remington & Vernick on February 4th. He emailed on February 5th to say that the sewer gets conveyed to Passaic Valley Sewerage Commission and your water is provided by Viola. There are no capacity issues with either one of those providers. As for each individual site, obviously the conveyance systems in the area would have to be evaluated.

Mr. Manzo – The sewage is deadheaded coming out of our station.

Mayor White – We are going to overhaul the pump station on Mayhill Street.

Mr. Manzo – You still have to pump into Lodi, where it bottlenecks.

Mr. Browne made a motion; seconded by Mr. Hickey to close the meeting to the public. All in Favor – YES

Mr. Hickey made a motion; seconded by Mr. Browne to amend the Master Plan and adopt the Amended Fourth Round Housing Element and Fair Share Plan. VOTE: Mr. Browne, Mr. Compitello, Mr. Cook, Mr. Hickey, Mr. LaGuardia, Councilman Gierak and Mayor White – YES

Mr. Cialone read the proposed resolution aloud.

Mr. Browne made a motion; seconded by Councilman Gierak to adopt the Resolution Approving an Amendment to the Township's Master Plan and Adoption of the Amended Fourth Round Housing Element and Fair Share Plan. All in Favor - YES

B.) Consideration of the 2026 Master Plan and Development Regulations Reexamination Report for the Township of Saddle Brook

Darlene Green remained under oath.

Ms. Green – We prepared a Reexamination Report to enable the adoption of some of the affordable housing ordinances. This report is shorter than a full blow reexamination report. It's a narrow focus, specifically to the affordable housing issues that the township is currently dealing with. The introduction gives a background on the township. It also talks about the

required components under the Municipal Land Use Law for a reexamination report. There are letters A-F that a Master Plan Reexamination Report must cover in order to meet the statute. Page 3 covers the first statutory requirement. You have to go back and list all of the problems and objectives in the prior reexamination report. This is just a regurgitation of the problems and questions outlined in your 2014 reexamination report. The statute then makes us look at to what extent those problems and objectives were alleviated or exacerbated since that last reexamination report. Some of the items were accomplished and others are yet to be accomplished. Page 9 asks us what changes have occurred in policies and objectives that form the basis of your reexamination report. The reason that we're doing this current reexamination report is because of the Amended Fair Housing Act that was adopted in 2024, which was the subject of our Housing Plan. The amendment to the Fair Housing Act set forth the stringent deadlines by which towns have to meet certain steps or else face losing their immunity. As a result of complying with that process, the township has committed via its mediation agreement signed in January to certain zoning changes. So it's a result of the Amended Fair Housing Act and the mediation agreement and the Fourth Round Housing Plan that the township needs to create three new inclusionary zones. That amends the policies and objectives that not only underlie your Master Plan, but also your development regulations. Chapter 5 is where it says, what do you have to do moving forward. These are the changes that are recommended either for the Master Plan or the development regulations in your zoning ordinance. There are 4 recommendations. First is to increase the affordable housing set aside in those four AHOZ overlay zones from 15 & 20% to 20% regardless of tenure. The second item is to increase the affordable housing set aside in your mandatory set aside ordinance. Third round required the township to adopt this ordinance. It says that if an application comes before the board for a use variance, density variance, rezoning or redevelopment plan that is seeking five or more multifamily units and the board is inclined to approve it, the board is mandated to place an affordable housing set aside on that development. Previously, your set aside ordinance was 15% for rental units and 20 % for sale units. Now, it's being changed to 20% blind to tenure. The third change is the Midland Avenue overlay, which is the new inclusionary overlay on a portion of Block 401 to permit an inclusionary multifamily development of up to 220 units of which, 20% would be required to be affordable housing units. The fourth recommendation is to create two new inclusionary overlay zones at 580 North Midland Avenue, Block 1710, Lot 38. The first overlay would allow supportive independent housing units a maximum of 10 one-bedroom apartments. The second overlay would be the age restricted multifamily residential development with 12 one-bedroom units (3 of which would be affordable units). Then there is the redevelopment plan chapter, which we have no recommendations for. The newest addition to the reexam requirements is electric vehicle recommendations. We have no recommendations. Any new multifamily development has to comply with the state statute enacted for make ready and EV spaces.

Mr. Cook – Will this just appease them for ten years?

Ms. Green – The reexam is one-step towards aligning the Master Plan with the ordinances that are eventually going to be adopted by the governing body.

Mr. Cook – Are we better off doing it in arbitration, going in with less?

Ms. Green – If you're talking about arbitrating the affordable housing obligation, that window has already concluded.

Mr. Cook – There will be another one in ten years. If we start adopting policy now to be more in line with what the Council wants, won't we be putting ourselves in a position where we have less to bargain with?

Ms. Green – This reexam essentially helps in effectuating the mediation agreement that the governing body has already signed. It's not giving anyone anything that that mediation agreement hasn't already agreed to.

Councilman Gierak made a motion; seconded by Mr. Browne to open the meeting to the public for questions for Ms. Green. All in Favor - YES

Mr. Manzo – What’s to say that the state won’t come in in 10 years and say “you’re not using Avon Lane park or Fifth St. park enough. We want to put affordable housing there.” Is there any way to stop it?

Mr. Dziedzic – What happens if there’s no land in town and people don’t want to sell their property?

Ms. Green – The affordable housing rules realize that there are two limitations on the production of affordable housing. The first is if you don’t have sufficient water or sewer. If the town does not have sufficient water or sewer, they would be allowed to seek what’s called a durational adjustment. The second way a town can adjust their obligation is a vacant land adjustment. There is an analysis that a municipality must produce to prove it does not have vacant and developable land. It does look at parkland and if it’s on the Green Acres list, then that cannot be used for affordable housing.

Mr. Browne made a motion; seconded by Councilman Gierak to close the meeting to the public. All in Favor – YES

Mr. Hickey – What happens if the sewer pipes can’t handle the new building to the mains? Who’s responsible for that cost?

Ms. Green – It depends on how your zoning regulations are written. In some towns when they adopt a new zone for multi-family housing, whether it’s a rezoning or an overlay zone, there will be a section in that zoning that says the developer is responsible for their proportionate share of any off-site costs. That may include other items, such as a traffic light. The township may want to go back and look at the zoning ordinances for sites with a substantial number of units. If we don’t have it in our ordinance, the entity that’s financially responsible is the township.

Mr. Hickey – I understand that the developer may be responsible for the development to the main, but what happens if the mains are no good?

Ms. Green – If you had the text in your ordinance, they’d have to pay their proportional share.

Mr. Browne made a motion; seconded by Mr. Hickey to adopt the 2026 Master Plan and Development Regulations Reexamination Report for the Township of Saddle Brook.

VOTE: Mr. Browne, Mr. Compitello, Mr. Cook, Mr. Hickey, Mr. LaGuardia, Councilman Gierak and Mayor White – YES

Mr. Cialone read the proposed resolution aloud.

Mr. Hickey made a motion; seconded by Councilman Gierak to approve the Resolution Adopting A Reexamination Report of the Township’s Master Plan Pertaining Solely to Affordable Housing.

VOTE: Mr. Browne, Mr. Compitello, Mr. Cook, Mr. Hickey, Mr. LaGuardia, Councilman Gierak and Mayor White - YES

C.) Review and Recommend Ordinance #1796-26

Ms. Green – This is to establish the three new overlay zones that were discussed in the Housing Plan and in the Reexamination Report. The new zones are AHOZ-5A and 5B for Block 1710, Lot 38. AHOZ6 is for the Block 401 property and outlines the bulk standards, setbacks, affordable housing requirements and the required buffers. I offer that this ordinance is consistent with the 2025 Amended Housing Element and Fair Share Plan. It also effectuates the Master Plan.

Mr. Cialone - This ordinance has been sent to us by the Council for review to determine whether it is consistent with the Master Plan. We can send non-binding recommendations as well.

Mr. Browne made a motion; seconded by Mr. LaGuardia to recommend that Ordinance #1796-26 is consistent with and effectuates the Master Plan and Fair Share Plan and to authorize Mr. Cialone to send a letter to Mayor and Council with the Planning Board's decision. VOTE: Mr. Browne, Mr. Compitello, Mr. Cook, Mr. Hickey, Mr. LaGuardia, Councilman Gierek and Mayor White - YES

D.) Review and Recommend Ordinance #1797-26

Ms. Green – This is the ordinance that changes the set aside in four AHOZ zones 1, 2, 3, 4 from 15% and 20% to 20% regardless of tenure. The only other change is the last sentence under B1 for each one of these “At least 13% of affordable units shall be affordable to very-low-income households with half of the very-low-income units available to families.” I also would find that this is consistent with the Housing Element and Fair Share Plan and effectuates that Master Plan element.

Mr. Cook made a motion; seconded by Mr. Browne to recommend that Ordinance #1797-26 is consistent with and effectuates the Master Plan and to authorize Mr. Cialone to send a letter to Mayor and Council with the Planning Board's decision. VOTE: Mr. Browne, Mr. Compitello, Mr. Cook, Mr. Hickey, Mr. LaGuardia, Councilman Gierek and Mayor White - YES

5. RESOLUTIONS

Councilman Gierek made a motion, seconded by Mr. Browne to approve the following resolutions:

- Appointing Chairman
- Appointing Vice Chairman
- Appointing Secretary
- Regarding Compensation of Professionals
- Authorizing Contract with Board Attorney
- Authorizing Contract with Board Engineer
- Authorizing Contract with Board Planner
- Regarding Completeness Determinations
- Resolutions Authorizing 2026 Meeting Schedule
- Resolution Designating Official Newspaper

VOTE: Mr. Browne, Mr. Compitello, Mr. Cook, Mr. Hickey, Mr. LaGuardia, Councilman Gierek and Mayor White – YES

Mr. Browne made a motion; seconded by Councilman Gierek to adopt the Resolution of Approval for RGS LLC. VOTE: Mr. Browne, Mr. Compitello, Mr. Cook, Mr. Hickey, Mr. LaGuardia, Councilman Gierek and Mayor White – YES

Councilman Gierek made a motion; seconded by Mr. Browne to adopt the resolution of Approval to Manor at Saddle Brook, LLC. VOTE: Mr. Browne, Mr. Compitello, Mr. Cook, Mr. Hickey, Mr. LaGuardia, Councilman Gierek and Mayor White - YES

6. MINUTES

Councilman Gierek made a motion; seconded by Mayor White to adopt the minutes of the January 21, 2026 reorganization meeting and regular meeting. VOTE: All in Favor – YES

7. COMMUNICATIONS

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

8. VOUCHERS

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

Neglia Engineering Associates, 01/09/2026, Saddle Brook Urban Renewal Assoc., LLC, \$115

Neglia Engineering Associates, 01/09/2026, RGS LLC, \$153.75

Paparozzi Associates, Inc., 01/20/2026, Manor at Saddle Brook, LLC, \$1,040

Paparozzi Associates, Inc., 01/20/2026, RGS LLC, \$450

Paparozzi Associates, Inc., 01/29/2026, RGS LLC, \$100

Paparozzi Associates, Inc., 01/29/2026, Manor at Saddle Brook, \$283

Birchwale Pellino & Cialone LLC, 02/03/2026, RGS LLC, \$712.50

Birchwale Pellino & Cialone LLC, 02/06/2026, Manor at Saddle Brook, \$1,275

All in Favor - YES

9. OPEN AND CLOSE THE MEETING TO THE PUBLIC

Mr. Browne made a motion; seconded by Mr. Cook to open the meeting to the public.

All in Favor - YES

Mr. Manzo – If the developer for 93 Market St. sells it, does the next person who buys it have to honor the 40 parking spots for the police?

Mr. Cialone – It's in the resolution, which runs with the land. Also, there's an agreement, which should run with the land.

Mr. Browne made a motion; seconded by Councilman Gierak to close the meeting to the public.

All in Favor - YES

10. ADJOURN

Mr. Browne made a motion; seconded by Mayor White to adjourn the meeting. All in Favor - YES

Meeting adjourned 8:56 p.m.

Respectfully Submitted,

Jayne Kapner
Planning Board Secretary