

Mayor O’Brien opened the Special Meeting at 6:00 PM followed by a short prayer and salute to the flag.

Clerk announced the proper Notice of Publication.

• **ROLL CALL:**

Present: Councilpersons Balka, Colaci, Novak, Roberts, Synarski, Zebrowski

Absent: None

Others Present: Mayor Kennedy O’Brien
Glenn Skarzynski, Business Administrator
Jessica Morelos, Municipal Clerk
Joseph Sordillo, Esq., Borough Attorney
Nicole Waranowicz, Assistant Municipal Clerk
Danielle Maiorana, C.F.O./Treasurer

Others Absent: Borough Engineer Cornell

Borough Attorney Sordillo addressed the Council on the Non-Binding Referendum. He stated that he had received some concerns from the planners due to it being part of litigation. Borough Attorney Sordillo stated that it’s his legal opinion that the referendum could potentially undermine our case with the program with any objectors that would file against the plan. He recommended that no amendment to the plan be done until the Borough receives the order from the court. Borough Attorney Sordillo stated that he doesn’t even know if the County Clerk would accept the referendum.

Mayor asked the Borough Attorney to explain builders’ remedy.

Borough Attorney Sordillo stated that a builders’ remedy lawsuit is filed by a developer or property owner who wants to build affordable housing but it is in an area that doesn’t allow it or doesn’t have the density that they want to build. He stated then they file an action in court against the municipality saying the municipality didn’t comply with their affordable housing obligation. Borough Attorney Sordillo stated every case that he is aware of has resulted in a much larger density and overall development than what the town wanted.

Mayor called the Planners up.

Planner Van den Kooy stated that he agrees with the Borough Attorney and strongly suggests that the Borough obtain the court compliance status before doing anything. He stated that if that site is removed that the Borough would have to find other sites and that would be challenging because there is limited amount of land left.

Planner Levin stated he agreed with the Attorney and Planner Van den Kooy. He stated that the Borough as part of its plan has taken a vacant land adjustment. Planner Levin stated that there is already a bit more scrutiny on the plan as it is already.

• **RESOLUTION**

Mayor O’Brien opened the meeting for any comments on the Resolution.

Those commenting were:

- Jim Robinson, Borelle Square
Mr. Robinson gave history on the 40 acres by Kennedy Park. He spoke about being political. He spoke about saving open space.

- Ken Olchaskey
Mr. Olchaskey commented on builders’ remedy in the Borough. He stated that in the Mayor’s 20 years that there was no affordable housing built which was in

violation. Mr. Olchaskey commented on the residency requirement for employees and volunteers.

No further comments.

Council President Roberts made a motion to close the Public Portion. Seconded by Councilman Colaci.

Roll Call: Councilpersons, Roberts, Balka, Colaci, Novak, Synarski, Zebrowski, all Ayes.

Councilwoman Novak asked several questions regarding affordable housing obligations. Responses by the planner and attorney.

Mayor commented on his relationship with Ken Olchaskey and Jim Robinson. He stated his opinion on eminent domain. Mayor stated that the property owner of the 40 acres near Kennedy Park does not want to sell.

Councilwoman Novak made a motion adopt the Resolution. Seconded by Councilman Balka.

Roll Call: Ayes: Councilpersons Novak, Balka
Nays: Councilpersons Colaci, Roberts, Synarski, Zebrowski.

Resolution failed.

RESOLUTION #2025-198
**RESOLUTION AUTHORIZING A NON-BINDING REFERENDUM TO BE
SUBMITTED TO THE MIDDLESEX COUNTY CLERK
FOR PLACMENT ON THE BALLOT FOR THE
NOVEMBER 4, 2025 ELECTION**

WHEREAS, N.J.S.A. 19:37-1 authorizes a governing body of a municipality to ascertain the sentiment of the legal voters of the municipality on any question or policy pertaining to the government or internal affairs thereof, by adoption of an ordinance or resolution requesting the clerk of the county to print upon the official ballots to be used at the next ensuing general election a certain proposition formulated and expressed in the ordinance or resolution in concise form; and

WHEREAS, in compliance with the amended Fair Share Act (P.L. 2024, c.2), and the NJ Administrative Office of the Court's Administrative Directive #24-14, the Borough of Sayreville adopted Resolution No. 2025-39, on January 27, 2025, establishing its 4th Round affordable housing present need (rehabilitation) obligation of 197 units, and prospective need obligation of 210 units; and

WHEREAS, after participating in the Affordable Housing Dispute Resolution Program (the "Program"), the Borough entered into a Settlement Agreement with Fair Share Housing Center ("FSHC"), for a modified 4th Round prospective need of 240 units, which Settlement Agreement was reviewed and approved by the Program and the Superior Court; and

WHEREAS, the Court issued an Order, dated April 4, 2025, setting forth the Borough's 4th Round affordable housing present need obligation of 197 units, and prospective need obligation of 240 units;

WHEREAS, in further compliance with the amended Fair Share Act and Administrative Directive #24-14, after a duly noticed public hearing, on June 18, 2025, the Borough of Sayreville Planning Board adopted the Housing Element and Fair Share Plan to the Borough of Sayreville's Master Plan to establish the proposed zoning, developments and mechanisms for which the Borough is to satisfy its 4th Round affordable housing obligations; and

WHEREAS, by adoption of Resolution No. 2025-197, the Housing Element and Fair Share Plan was endorsed by the Borough Council at its July 21, 2025 meeting; and

WHEREAS, the Plan has been filed with the Program and is subject to objection, review and approval by the Program and the Court, which will occur throughout the remainder of 2025;

WHEREAS, the Housing Element and Fair Share Plan includes, among other things, the proposed rezoning of the property identified as Block 252, Lot 2, consisting of approximately 42.57 acres, identified therein as the Mocco site. The Plan proposes to rezone the Mocco site to allow for the development of up to two hundred and fifty (250) unit inclusionary age-restricted rental development, with a 15% set aside to provide for 38 affordable housing units. The Plan does not set forth proposed zoning regulations, such as maximum height, story or set back standards, which are to be determined by the Borough Council upon adoption of the implementing zoning ordinances, which are required to be adopted by March 15, 2026 pursuant to the amended Fair Share Act.

WHEREAS, at the July 21, 2025 Borough Council meeting, the Council voted in favor of obtaining the sentiment of the legal voters of the Borough as whether the Mocco site (Block 252, Lot 2) should be removed from the Housing Element and Fair Share Plan adopted by the Sayreville Borough Planning Board, and replaced by other potential affordable housing projects and mechanisms to meet the Borough’s affordable housing 4th Round obligation.

NOW THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Sayreville, County of Middlesex, and State of New Jersey, as follows:

The Middlesex County Clerk is hereby requested to place the following non-binding public question on the Ballot at the next General Election to be held on Tuesday, November 4, 2025:

Public Question

Should the Housing Element & Fair Share Plan, adopted by the Sayreville Borough Planning Board on June 18, 2025, in connection with the Borough of Sayreville’s 4th Round affordable housing compliance be amended to remove the property identified as Block 252, Lot 2 on the official tax map of the Borough of Sayreville (identified as the Mocco site in the Plan), keeping the property subject to the existing applicable zoning regulations, and replace same with other properties, projects and/or mechanisms to satisfy the Borough’s 4th Round affordable housing obligation?

YES NO

Interpretative Statement

In compliance with the amended Fair Share Act (P.L. 2024, c.2), and the NJ Administrative Office of the Court’s Administrative Directive #24-14, the Borough of Sayreville adopted Resolution No. 2025-39, on January 27, 2025, establishing its 4th Round affordable housing present need (rehabilitation) obligation of 197 units, and prospective need obligation of 210 units. After participating in the Affordable Housing Dispute Resolution Program (the “Program”), the Borough entered into a Settlement Agreement with Fair Share Housing Center, for a modified 4th Round prospective need of 240 units. The Settlement Agreement was reviewed and approved by the Program and the Superior Court. The Court issued an Order, dated April 4, 2025, setting forth the Borough’s 4th Round affordable housing present need obligation of 197 units, and prospective need obligation of 240 units.

Thereafter, in further compliance with the amended Fair Share Act and Administrative Directive #24-14, after a duly noticed public hearing, on June 18, 2025, the Borough of Sayreville Planning Board adopted the Housing Element and Fair Share Plan to establish the proposed zoning, developments and mechanisms for which the Borough is to satisfy its 4th Round affordable housing obligations as established in the April 4, 2025 Court

Order. By adoption of Resolution No. 2025-197, the Housing Element` and Fair Share Plan was endorsed by the Borough Council at its July 21, 2025 meeting. The Plan has been filed with the Program and is subject to objection, review and approval by the Program and the Court, which will occur throughout the remainder of 2025.

The Housing Element and Fair Share Plan includes, among other things, the proposed rezoning of the property identified as Block 252, Lot 2, consisting of approximately 42.57 acres, identified therein as the Mocco site. The Plan proposes to rezone the Mocco site to allow for the development of up to two hundred and fifty (250) unit inclusionary age-restricted rental development, with a 15% set aside to provide for 38 affordable housing units. The Plan does not set forth proposed zoning regulations, such as maximum height, story or set back standards, which are to be determined by the Borough Council upon adoption of the implementing zoning ordinances, which are required to be adopted by March 15, 2026 pursuant to the amended Fair Share Act.

This is a non-binding Referendum. A YES vote on this non-binding Referendum would indicate to the Borough Council that you are IN favor of the Planning Board amending the Housing Element and Fair Share Plan to remove the Mocco site from the Plan and replacing it with other properties, projects and/or mechanisms to satisfy the Borough’s 4th Round affordable housing obligation. A NO vote on this non-binding Referendum would indicate to the Borough Council that you are NOT IN favor of the removing the Mocco site from the Housing Element and Fair Share Plan, keeping the Plan as adopted, unless otherwise amended at the discretion of the Planning Board. Your vote may influence, but not bind the Borough Council and Planning Board on any future action on the subject.

BE IT FURTHER RESOLVED that all appropriate Borough officials and professionals are hereby authorized to take any necessary actions, to effectuate the authorizations set forth in this Resolution.

BE IT FURTHER RESOLVED that this Resolution shall take effect pursuant to law.

(Sponsor)

Reviewed by the Borough Attorney and is approved as to form and the Resolution satisfies all of the legal requirements for the Mayor’s signature.

Borough Attorney

ATTEST: **BOROUGH OF SAYREVILLE**

Jessica Morelos, RMC
Municipal Clerk

Kennedy O’Brien
Mayor

Councilman Zebrowski made a motion for the Borough Attorney to prepare a resolution to express our anger and displeasure with the Affordable Housing Program as it currently exists. Seconded by Councilman Colaci.

Roll Call: Councilpersons Zebrowski, Balka, Colaci, Novak, Roberts, Synarski, all Ayes.

• **EXECUTIVE SESSION**

Borough Clerk Morelos read the following Executive Session Resolution into record.

RESOLUTION FOR CLOSED SESSION

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances, and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Sayreville, County of Middlesex, State of New Jersey, as follows:

1. The public portion of this meeting is hereby adjourned in order that the Governing Body may meet in a closed, private session for approximately 5-10 minutes to discuss the following matters:

- Attorney – Client Privilege – NRD Litigation

2. Following the conclusion of said closed session, the Governing body shall reconvene the open portion of this meeting to consider any other matters which may be properly brought before it at this time.

3. The nature and content of discussion which occurs during closed session shall be made public at the time the need for non-disclosure no longer exists.

NOW, THEREFORE BE IT RESOLVED that the public be excluded and this resolution shall take effect immediately.

/s/ Donna Roberts, Council President

APPROVED:

/s/ Kennedy O'Brien, Mayor

Council President Roberts moved the Executive Session Resolution be adopted on Roll Call Vote. Motion seconded by Councilman Colaci.

Roll Call: Councilpersons Roberts, Balka, Colaci, Novak, Synarski, Zebrowski, all Ayes.

Time: 6:55 PM

Reconvene:

Council President Roberts made a motion to reconvene. Motion was seconded by Councilman Balka.

Roll Call: Councilpersons Roberts, Balka, Colaci, Novak, Synarski, Zebrowski, all Ayes.

Time: 7:04 PM

- **PUBLIC PORTION**

Mayor O'Brien opened the meeting to the Public for any questions.

Those commenting were:

- Jim Robinson

Mr. Robinson commented on zoom being taken away. He commented on affordable housing being ignored for 20 years. Mr. Robinson stated that the Borough Attorney's firm represented Mr. Mocco and questioned if that was a conflict.

- Ken Olchaskey

Mr. Olchaskey stated he has nothing personal against the Mayor. He commented on zoom being taken away. Mr. Olchaskey commented on things the Mayor has done.

- Natalia Knyzewski, Borelle Square
Ms. Knyzewski suggested putting a walkway path at Jackson Avenue Park and more trees along the walkway at Kennedy Park. She stated that there is a lot of goose poop on the walkway.

- Taylor Donnelly, Mohawk Lane
Ms. Donnelly questioned what infrastructure improvements are planned for the town to keep up with all the building.
Business Administrator Skarzynski responded that as the Borough does road reconstruction projects, the underground infrastructure is being looked at.
Ms. Donnelly commented on issues with the dog park.

No further comments.

Councilman Balka made a motion to close the Public Portion. Seconded by Councilman Synarski.

Roll Call: Voice Vote, all Ayes.

• **ADJOURNMENT**

No further business Councilwoman Novak made a motion to adjourn. Seconded by Councilman Colaci.

Roll Call: Voice Vote, all Ayes.

Time 7:32 P.M.

Jessica Morelos, RMC
Municipal Clerk

Approved on: _____