

# **2023 AFFORDABLE HOUSING ANNUAL MONITORING REPORT**

**Borough of Caldwell  
Essex County, New Jersey**

June 28, 2023

Prepared By:



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**CALDWELL, ESSEX COUNTY  
2023 ANNUAL MONITORING REPORT**

The purpose of this report is to outline the status of affordable housing projects as well as to account for housing trust fund activity. Caldwell executed a Settlement Agreement with Fair Share Housing Center (“FSHC”) on July 30, 2020 (hereinafter “2020 FSHC Settlement Agreement”), which was approved at a Borough Council meeting on July 28, 2020. The Borough subsequently adopted a Housing Element and Fair Share Plan (“HEFSP”) to implement the 2020 FSHC Settlement Agreement, which was adopted by the Borough’s Planning Board on February 10, 2021 and approved at a properly noticed Compliance Hearing on May 13, 2021. The Court entered a conditional Judgment of Compliance and Repose Order on June 3, 2021 (“JOR Order”), and later extended the period to satisfy the conditions of compliance on August 19, 2021 and December 3, 2021. Pursuant to the Court-approved 2020 FSHC Settlement Agreement, the Borough needs to provide monitoring reports on the status of all affordable housing activity within the municipality. The following constitutes the Borough’s 2023 report.

Pursuant to the 2020 FSHC Settlement Agreement and the Borough’s HEFSP, Caldwell’s Affordable Housing Obligation is as follows:

- Rehabilitation Obligation: 14
- Prior Round Obligation (1987-1999): 0
- Third Round Obligation (1999-2025): 86
- Third Round Realistic Development Potential or RDP: 25
- Third Round Unmet Need: 61

**TRUST FUND MONITORING**

The Borough of Caldwell adopted its Development Fee ordinance (Ord. No. 1400-21) on January 26, 2021. Caldwell’s most recent Spending Plan was adopted by the Borough on April 20, 2021 and approved by the Court on June 3, 2021, covering revenues and expenditures through June 30, 2025. The starting balance for Caldwell’s Affordable Housing Trust Fund was \$0. Since then, the Borough has received \$0 in development fees, spent \$0 in administrative fees, and has made \$0 in expenditures pertaining to affordability assistance, barrier free conversion, or other housing activity. As of June 23, 2023 the Borough has a total of \$0 in the Affordable Housing Trust Fund account.

**PRIOR AND THIRD ROUND MONITORING**

Caldwell, Essex County Annual Project Form 6/3/2022 - Present			
Site/Program Name:	Marion Manor	Stille	Landmark
<b>Affordable Housing Round:</b>	Third Round	Third Round	Third Round
<b>Project Type:</b>	100% Affordable	Inclusionary Zoning	Inclusionary Zoning
<b>Block &amp; Lot</b>	B65 L1.30	B22 L7	B41 L3 and 4
<b>Street:</b>	7 Ashland Street	30 Smull Avenue	14 & 18 Lane Avenue
<b>Status:</b>	Completed and occupied	Received Planning Board Approval June 14, 2023; memorialization expected July 12, 2023	Previously approved in 2021; Application was appealed and remanded by the Court back to the Planning Board, which reheard and subsequently reapproved the application on June 14, 2023; it is anticipated a new resolution will be voted on at the July 12, 2023 hearing
<b>Date:</b>	Built in 1980; New Regulatory Agreement in 2004; New Amendment to Financing, Deed Restriction, and Regulatory Agreement in 2004	N/A	N/A
<b>Length of Controls:</b>	Affordability Controls through 2034 (New Deed Restriction in 2017)	At least 30 years	At least 30 years
<b>Administrative Agent:</b>	Owned by the Caldwell Senior Citizen Housing Association; Funded by the Federal Government (Section 8)	Undecided	Undecided
<b>Contribution (PIL):</b>	N/A	N/A	N/A
<b>Type of Units:</b>	Senior Rental	Family Rental	Family For-Sale
<b>Total Affordable Units:</b>	159	1	23
<b>Income/Bedroom Distribution:</b>	1 BR	2 BR	1 BR   2 BR   3 BR
<b>Very Low Income</b>	-	-	TBD
<b>Low Income</b>	6	1	
<b>Moderate Income</b>	-	-	
<b>Notes:</b>	Six units are allocated to the Third Round obligation. Three are allocated for the rehabilitation obligation. The remaining 150 units will carry over to the next round.	The Planning Board approved the application in June 2023; however the memorialization of such resolution will not occur until July 2023, so such resolution is not available for this report.	HGA has reached out to the developer to initiate discussions regarding administrative agents and affirmative marketing.

<b>Caldwell, Essex County</b> Annual Project Form 6/03/2022 - Present									
<b>Site/Program Name:</b>	<b>Landmark</b>			<b>Landmark</b>			<b>Landmark</b>		
<b>Affordable Housing Round:</b>	Third Round			Third Round			Third Round		
<b>Project Type:</b>	Inclusionary Zoning			Inclusionary Zoning			Inclusionary Zoning		
<b>Block &amp; Lot</b>	B41 L7			B36 L5-6			B56 L10.14 & 18.01		
<b>Street:</b>	30 Lane Avenue			459 Bloomfield Avenue			80 Roseland Avenue		
<b>Status:</b>	Received Planning Board Approval April 12, 2023, memorialized May 10, 2023 – resolution attached as Appendix A.			Building permits issued and the site is currently under construction			Constructed		
<b>Date:</b>	N/A			N/A			N/A		
<b>Length of Controls:</b>	At least 30 years			At least 30 years			At least 30 years		
<b>Administrative Agent:</b>	Undecided			Undecided			Undecided		
<b>Contribution (PIL):</b>	N/A			N/A			N/A		
<b>Type of Units:</b>	Family For-Sale			Family Rental or For-Sale			Family Rental		
<b>Total Affordable Units:</b>	9			6			6		
<b>Income/Bedroom Distribution:</b>	1 BR	2 BR	3 BR	1 BR	2 BR	3 BR	1 BR	2 BR	3 BR
<b>Very Low Income</b>	1	6	2	TBD			TBD		
<b>Low Income</b>									
<b>Moderate Income</b>									
<b>Notes:</b>	Resolution of approval, attached as Appendix A, stipulates that developer shall work with the Borough's affordable housing planner to ensure the income mix is consistent with UHAC and Borough ordinance. The income limits for each bedroom breakdown have yet to be determined.			-			An administrative agent has not been assigned as there is a current investigation (and potential litigation) into potential non-conforming aspects of the development.		

## THIRD ROUND UNMET NEED MECHANISMS

### **Creation of Inclusionary Housing Zone Districts**

The Borough adopted three ordinances establishing six inclusionary housing zone districts to create low- and moderate-income housing as required by the Borough's Settlement Agreement with Landmark Real Estate Developers dated September 26, 2018. The Borough adopted Ordinance No. 1365-19 on September 17, 2019, establishing Inclusionary Housing Zone 1 for Block 41 Lot 3, Inclusionary Housing Zone 2 for Block 41 Lot 3, Inclusionary Housing Zone 3 for Block 56 Lots 10.14 and 18.01, and Inclusionary Housing Zone 4 for Block 41 Lot 4. The Borough adopted Ordinance No. 1380-19 establishing Inclusionary Housing Zone 5 on December 17, 2019, for Block 22 Lot 7. The Borough Adopted Ordinance No. 1385-20 on April 21, 2020, establishing Inclusionary Housing Zone 6 for Block 36 Lots 5 and 6.

### **Mandatory Set-Aside Ordinance**

The Borough adopted an ordinance regarding compliance with the Borough's affordable housing obligations on February 23, 2021 that requires that any site that benefits from a rezoning, use or density variance or redevelopment plan approved by the Borough or one of its boards that results in a multi-family residential development of five (5) or more units to produce affordable housing at a set-aside of twenty percent (20%) regardless of tenure.

No new units have been approved or created under this mechanism at this time.

**REHABILITATION PROGRAM MONITORING**

The Borough of Caldwell has a Rehabilitation Share / Present Need obligation of 14 units, where three units have been met through the existing surplus senior rental Marian Manor units. The Borough plans to meet the remaining obligation of 11 units through the Essex County Home Improvement Program available to low- and moderate-income homeowners.

**VERY LOW-INCOME REPORTING**

<b>Very Low-Income Breakdown Analysis – Caldwell Affordable Housing</b>				
<b>Development</b>	<b># OF TOTAL AH UNITS POST 2008</b>	<b>VL</b>	<b>Low</b>	<b>Mod</b>
<b>Constructed</b>				
<b>Landmark – 80 Roseland Avenue</b>	6		TBD	
<b>CONSTRUCTED TOTALS</b>	<b>6</b>		<b>TBD</b>	

## **APPENDIX A**

### **2023 Planning Board Resolution Approving the Inclusionary Development at 30 Lane Avenue**

**MEMORIALIZING RESOLUTION  
CALDWELL PLANNING BOARD  
APPLICATION NO. RED23-001  
APPLICATION OF THE MANOR AT CALDWELL, LLC  
FOR PRELIMINARY AND FINAL SITE PLAN APPROVAL  
BLOCK 41, LOT 7  
26-30 LANE AVENUE  
DATE: APRIL 12, 2023**

WHEREAS, The Manor at Caldwell (the "Applicant"), as contract purchaser, applied to the Planning Board of the Borough of Caldwell for Preliminary and Final Major Site Plan Approval for property located at 26-30 Lane Avenue and designated as Lot 7 in Block 41 on the Tax Maps of the Borough of Caldwell (the "Property"); and

WHEREAS, the Applicant submitted, among other things, a Development Application dated December 13, 2022; a Preliminary/Final Site Plan prepared by Patrick D. McClellan, P.E., of MCB Engineering Associates, LLC, dated November 28, 2022 and last revised on February 22, 2023; Architectural Plans prepared by Steven Corso, Architect, LLC, dated October 3, 2022 and last revised on February 17, 2023, a Survey prepared by Joseph F. Barbieri, Jr. of Joseph F. Barbieri & Associates, Inc., dated August 4, 2022; a Stormwater Management Report prepared by Patrick D. McClellan, P.E., of MCB Engineering Associates, LLC, dated December 12, 2022; a Traffic Impact Study prepared by Joseph Staigar Engineering, LLC, dated November 27, 2022; and a Fiscal Impact Statement prepared by Jeffrey D. Stiles, AICP/PP, dated November 21, 2022; and

WHEREAS, the Planning Board held a public hearing on this application on February 15, 2023 and March 8, 2023 at which time it was established that notice of the application was properly published and that property owners within 200 feet of the Property had been properly served with notice; and

WHEREAS, the Applicant was represented by Thomas P. Scrivo, Esq. of O'Toole Scrivo, in Cedar Grove, New Jersey, and the Applicant presented testimony from Patrick D. McClellan, P.E., of MCB Engineering Associates, L.L.C., Steven Corso, AIA; Joseph J. Staigar, PE of Staigar Engineering, LLC, and Jeffrey Stiles, P.P.; and

WHEREAS, after carefully considering the evidence presented by the Applicant, as well as the comments and concerns expressed by neighbors and other members of the community, the Planning Board made the following findings of fact and conclusions of law:

1. The subject Property consists of 48,412 square feet (1.11 acres) of land located on the east side of Lane Avenue, south of the Bloomfield Avenue intersection. The Property is currently improved with a two-story frame residential dwelling and a detached garage located behind the



dwelling. There is also a shed located in the southeastern section of the Property. To the north of the Property are residential uses, and further north is a property which the Planning Board approved for a multi-family housing development. To the east of the Property are multiple single-family dwellings located within the R-A (Residential) Zone, and to the south are two single-family dwellings located within the R-B (Residential) Zone. To the west of the Property on the opposite side of Lane Avenue are single-family dwellings located within the Township of West Caldwell.

2. The Property is included in the Borough of Caldwell Redevelopment Plan which was adopted by the Borough Council on December 15, 2020 in accordance with the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. The Plan was subsequently amended by the Council with the most recent amendment adopted on December 28, 2021. The Property is located in "Subdistrict V" of the Redevelopment Plan which is intended to be redeveloped to create a moderate density, transitional neighborhood consisting of three to four-story residential development.

3. The Applicant entered into a Redevelopment Agreement with the Borough of Caldwell, dated December 12, 2022, regarding the subject property. The Agreement provides that the Borough contracted with the Applicant to redevelop the Property in accordance with the Agreement.

4. The Applicant proposes to construct a multi-family residential building on the Property with on-site parking and other associated improvements. The proposed building will be set back approximately 25 feet from the front property line. The building will contain 44 multi-family residential units, nine of which will be affordable units. One point of access is proposed from Lane Avenue with a 24-foot wide driveway providing ingress and egress to and from the building. The shed currently located on the Property will be removed.

5. The footprint of the proposed multi-family building contains approximately 22,800 square feet of space, and the architectural plans indicate that the building will contain thirteen one-bedroom units, twenty-nine two-bedroom units, and two three-bedroom units.

6. The Applicant's site plan provides for 50 parking spaces on the Lower Level and 45 spaces on the Ground Floor Level for a total of 95 parking spaces. Three of the spaces on each level will be barrier-free parking spaces. The Lower Level will also contain a lobby area, mechanical area, and bicycle storage area. The Ground Floor Level will include a lobby area and package room. 15 electric vehicle parking spaces will be provided as required by the Redevelopment Plan.

7. The second floor of the building will contain 14 residential units, a 720 square foot community room and a 3,380 square foot terrace. The 14 apartments include three (3) one-bedroom units, ten (10) two-bedroom units and one (1) three-bedroom unit. The third floor will contain 15 residential units, of which four will be one-bedroom units, ten will be two-bedroom and one will be a three-bedroom unit. The fourth floor will contain 15 residential units, of which

six will be one-bedroom units and nine will be two-bedroom units. The site plan indicates that the proposed building will have a building height of 46.27 feet (measured to the flat roof) and four stories.

8. An 800 square foot paver patio is proposed in the rear of the building with a retaining wall and landscape plantings to be installed around the patio. Additional plantings are also proposed on the north and south sides of the building, and retaining walls are also proposed along the north, south and back sides of the building. A double row landscaped screen consisting of Norway Spruce and Green Giant Arborvitae is proposed behind the building and the paver patio. New street trees are proposed to be planted along the front of the building.

9. The Caldwell Redevelopment Plan specifies the permitted uses for the Property as well as bulk standards for building setbacks, height, density, required parking and other requirements. The Plan also includes design standards for building facades as well as site design standards for streetscapes, sidewalks, street trees, outdoor amenity areas, landscaping, lighting and other items set forth in the Plan.

10. Prior to the hearing of this application, the Board's Planner conducted a thorough and comprehensive review of the Applicant's plans and provided a detailed letter report to the Board, dated February 13, 2023, in which she noted various issues and concerns, and requested that the Applicant's engineering and architectural plans be revised, and additional information be provided, in order to demonstrate compliance with all of the requirements of the Redevelopment Plan.

11. In response to the Planner's report, the Applicant submitted a revised Preliminary/Final Site Plan, revised as of February 22, 2023, and revised Architectural Plans with a revision date of February 17, 2023.

12. On March 6, 2023, the Board's Planner issued a second comprehensive report based on her review of the revised plans submitted by the Applicant's professionals. Except for minor, easily correctable inconsistencies in the plans, and other matters required testimony from the Applicant's professionals, the Planner's report essentially concluded that the Applicant's revised plans complied with all of the requirements of the Redevelopment Plan and that no variances or deviations were required.

13. During the hearing of this application, the Applicant presented detailed testimony from the project engineer, Patrick D. McClellan, PE, the project architect Steven Corso, AIA, the Applicant's traffic engineer, Joseph J. Staigar, PE, and the Applicant's professional planner Jeffrey Stiles, PP. The testimony provided by these experts addressed all of the issues and comments mentioned in the reports from the Board's planner, and based on testimony provided and the reports from the Board's Planner, the Board determined that the Applicant's multi-family project is a permitted use under the Caldwell Redevelopment Plan and that, subject to compliance with the conditions set forth below, the Applicant's plans, as revised, comply with all applicable bulk standards contained in the Plan, including the requirements for minimum lot area, maximum permitted residential density, required setbacks, maximum building height, and maximum building and impervious lot coverage. The Board also determined that the revised plans

comply with all design standards and other requirements set forth in the Redevelopment Plan.

14. Based on the foregoing findings, the Board determined that the site plan is a fully-conforming plan in that it complies with all applicable requirements of the Redevelopment Plan, and accordingly, the Applicant is entitled to Preliminary and Final Major Site Plan Approval.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Caldwell, on this 12<sup>th</sup> day of April, 2023 that the application of THE MANOR AT CALDWELL, LLC for Preliminary and Final Major Site Plan Approval is hereby approved in strict accordance with THE Preliminary/Final Site Plan prepared by Patrick D. McClellan, P.E., of MCB Engineering Associates, LLC, dated November 28, 2022 and last revised on February 22, 2023, the Architectural Plans prepared by Steven Corso, Architect, LLC, dated October 3, 2022 and last revised on February 17, 2023, and the Traffic Impact Study prepared by Joseph Staigar Engineering, LLC, dated November 27, 2022, subject to the following conditions:

1. The Applicant shall obtain a Treatment Works Approval from the New Jersey Department of Environmental Protection and approval, if required, from the Superior Court Special Master for the sewerage capacity required for this project.

2. The Applicant shall comply with all comments and recommendations contained in the report from the Fire Official, dated February 1, 2023.

3. The Applicant shall comply with all comments and recommendations contained in the report from the Water Department, dated January 8, 2023.

4. The Applicant shall submit revised plans depicting the location of the 15 electric vehicle charging stations.

5. The Applicant shall comply with all comments and recommendations contained in the reports from Beckmeyer Engineering, dated March 6, 2023, including approval of the proposed Stormwater Management Plan for the Property and approval of the Applicant's calculations for determining the required front yard setback for the Property.

6. The Applicant shall comply with all comments and recommendations contained in the report from Caroline Reiter of T&M Associates, dated March 6, 2023, to the extent not resolved during the hearing.

7. The Applicant shall comply with all requirements set forth in N.J.S.A 40:55D-66.18 et seq. regarding the installation of "make ready" parking spaces and electric vehicle charging stations.

8. The Applicant and all subsequent owners of the Property shall be responsible for all costs of advertising and affirmative marketing of the affordable units in accordance with the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq.

9. The affordable housing units shall comply with all applicable legal requirements

set forth in the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq., the Borough's affordable housing settlement agreement with the Fair Share Housing Center, and all applicable Borough Ordinances, including but not limited to, the requirements for bedroom distributions, the requirement that affordable units be integrated or reasonably dispersed throughout the building, that the affordable units remain affordable for at least 30 years as confirmed in a recorded deed restriction, and that the units comply with the accessibility and adaptability requirements of the International Building Code. The foregoing shall be subject to review and approval by the Board's planning consultant.

10. The Applicant shall submit a revised lighting plan to include the proposed mounting height of the two street light fixtures and existing and proposed lighting calculations for on-site lighting fixtures which shall be submitted for review and approval by the Borough Engineer.

11. The site plan shall be revised to (a) provide for a painted pedestrian crosswalk in the parking garage in the location noted during the hearing, (b) depict the location of the elevator as shown on the architect's floor plans, and (c) provide for seating and plantings on the terrace and patio areas.

12. Prior to any performing pile driving at the site, the Applicant shall perform a pre-construction survey of all structures on adjacent properties on Highview Road and Lane Avenue and deliver a copy of same to the Borough Engineer. If the Applicant chooses not to perform pile driving, no pre-construction survey is required.

13. The floor plans shall be revised to provide that the bicycle storage area shall consist of 480 square feet of space.

14. The landscaping plan shall be revised to include additional plantings along the southern property lines, in the front of the building and adjacent to the retaining walls, and to indicate the type of evergreen shrubs, seasonal annuals and perennials proposed for the planting bed along the southern property line.

15. The Applicant shall comply with all applicable requirements of the Caldwell Redevelopment Plan and the Redevelopment Agreement except as otherwise noted on the site plan and the architectural plans and subject to conditions set forth herein.

16. The Applicant shall continue to be responsible for payment of all escrow fees and inspection fees in accordance with the Municipal Land Use Law, including fees for inspections performed by the building department or its agents during construction of the project.

17. The Applicant shall obtain approval from the Essex County Planning Board, the soil conservation district and all other state and county approvals required in connection with this application and comply with conditions of those approvals.

18. The Applicant shall request that the Essex County Planning Board approve the

installation of a crosswalk extending from the entrance of the building to the other side of Lane Avenue.

19. The Applicant shall be bound by all representations made by its professionals during the course of the public hearing.

**BE IT FURTHER RESOLVED** that the Planning Board shall publish notice of this resolution in the Caldwell Progress, The Star Ledger or the Herald News, and the cost thereof shall be paid by the Applicant.

  
Brittany Heun, Secretary