

MEMORIALIZING RESOLUTION OF THE CALDWELL PLANNING BOARD

RE: 459 BLOOMFIELD LLC & 5 CENTRAL CALDWELL LLC

APPLICATION NO. P20-002

APPLICATION FOR PRELIMINARY AND FINAL SITE PLAN APPROVAL

AND VARIANCE RELIEF

BLOCK 36, LOTS 5 & 6

459 BLOOMFIELD AVENUE

HEARING: SEPTEMBER 9, 2020 and OCTOBER 14, 2020

MEMORIALIZED: DECEMBER 9, 2020

WHEREAS, 459 Bloomfield LLC & 5 Central Caldwell LLC as owners and applicants for property located at 459 Bloomfield Avenue, having applied to the Planning Board for the Borough of Caldwell seeking to demolish all existing structures on the subject property and to construct a four story mixed use building with two retail tenant spaces (1,254 sf. and 1,513 sf.) on the ground floor and with thirty (30) residential dwelling units of which 6 must be affordable (20%), on the remaining floors consisting of twenty-five (25) 1-bedroom, three (3) 2-bedroom and two (2) 3-bedroom units with associated parking, lighting and landscaping improvements, which is also known as Lots 5 & 6, in Block 36 on the Tax and Assessment Map for the Borough of Caldwell; and

WHEREAS, the application submitted in this case for property which is located in an IH6 Inclusionary Housing Zone and the mixed use proposed is permitted in the zone; and

WHEREAS, pursuant to the Borough's affordable housing settlement agreement, the Applicant shall designate 6 units as on-site affordable set-aside units which must comply with all UCC and UHAC requirements; and

WHEREAS, the Applicant submitted: A Site Plan prepared by Engineer, Daren J. Phil, P.E. of Suburban Consulting Engineering, Inc., dated April 14, 2020 last revised August 26, 2020; and

WHEREAS, the Applicant established that legal notice of this application had been published and that property owners within 200 feet of the subject property had been served with notice of the application; and

WHEREAS, this application was heard and considered at regular meetings of the Planning Board for the Borough of Caldwell which took place on September 9, 2020 and October 14, 2020, at which time the matter was reached before a quorum of the Board, and an opportunity was afforded to members of the public and/or interested persons or parties to be heard and/or to ask questions regarding this case, and a verbatim record of these proceedings was maintained; and

WHEREAS, the application for demolishing all existing structures on the subject property and to construct a four story mixed use building with two retail tenant spaces (1,254 sf. and 1,513 sf.) on the ground floor and with thirty (30) residential dwelling units on the remaining floors consisting of twenty-five (25) 1-bedroom, four (4) 2-bedroom and one (1) 3-bedroom units with associated parking, lighting and landscaping improvements, which is also known as Lots 5 & 6, in Block 36 ("459 Bloomfield Avenue") to remove the conditions requiring one of the units to be deed-restricted for moderate income households. To compensate for this loss of a moderate-income Affordable Housing Unit ("AHU") at 459 Bloomfield Avenue, Builder has agreed to provide other AHUs in the Borough of Caldwell; and

WHEREAS, the Planning Board for the Borough of Caldwell makes the following findings of fact and/or conclusions based upon the evidence in the record, and as part of these proceedings before the Board:

FINDINGS

1. Robert Gaccione, Esq. of Gaccione & Pomaco, appeared to present this case for the applicant. Mr. Gaccione provided a brief description of the application. The Applicant is seeking Preliminary and Final Site Plan Approval, De Minimis Exception for parking from RSIS, and other potential variances, including the required minimum buffer zone in a residential area.

2. The Applicant, Keith Cimera, then provided testimony regarding the proposal. Mr. Cimera explained that 459 Bloomfield Avenue has already been demolished and that the adjacent property at 5 Central Avenue, consisting of an office in front and apartment in the rear, will also be demolished.

3. The project engineer, Charles J. Stewart, P.E., P.L.S. then provided testimony regarding the proposed project for the Board. Mr. Stewart referred to Exhibit A *Previous Conditions of the Property*, Exhibit B *Proposed Project* and Exhibit C *Layout Plan*.

4. Ms. Finnegan asked if the evergreens could be switched to more native deciduous plants. Mr. Stewart agreed.

5. Mr. Sandor inquired if there would be a minimum height for the fence. Mr. Stewart responded that they are planning on a 6 ft. fence.

6. Mr. Gardner asked Mr. Stewart to confirm that the only residential entrance and exit would be from Central Avenue. Mr. Stewart confirmed that is correct.

7. Mr. Gardner asked where the run-off water will be collected. Mr. Stewart stated that there will be recharge pits for stormwater. He explained that the black dark dotted line on Exhibit C indicates the location of the proposed storm drain. The storm drain will tie into the existing storm drain on Central Ave which is a 24 inch pipe. There will be seepage pits in the parking lot to collect roof water and the overflow will also go to the storm drain. The seepage pits will be added to the revised/amended plans.

8. Mr. McGowan asked if there will be a designated loading zone for occupants to move in/out and if permits have been filed with the County since Bloomfield Avenue and Central Avenue are County Roads.

9. Mr. Stewart stated that tenants moving in or our could park by the front door on Bloomfield Avenue.

10. The architect for the project, Joseph Haines, then provided testimony and offered a brief summation of the proposal. Mr. Haines referred to Exhibit A, C, D and E to the proposal.

11. Ms. Finnegan asked Mr. Haines if the pachysandra indicated on some of the submitted plans would be all along the building.

12. Mr. Haines responded that along Bloomfield Avenue the plans call for a concrete sidewalk and a paver strip along the curb with two trees planted. The plans for the Central Avenue side of the building indicate a strip of grass.

13. Mr. Gardner inquired about the use and size of the retail space, and how they will handle their parking.

14. Applicant provided a response to comments from the Police and Water Departments who have raised questions and concerns regarding the proposal.

15. The Board received comments to the application from The Environmental Commission Comments and took them into consideration.

16. John Hamer, Licensed Water Operator, reviewed the application and has the following comments and requests:

(a) As a condition of approval, the applicant will abandon and disconnect at the water main the existing water service to the property.

(b) A detailed site plan will be submitted for review and approval, showing the proposed new water service to the building. Type of material, size, valve locations and the location of the water meters inside the building need to be shown.

(c) If fire sprinkler systems are to be installed, the Water Department will review and approve the proposed connections to the water main.

(d) There will be NO pex, soldered or Pro Press joints before the meter/meters.

(e) All water work shall be constructed to the "Standard Construction Details" of the Borough of Caldwell.

17. Caldwell Police Department Chief of Police, James H. Bongiorno, had the following comments to the application:

(a) Any and all construction equipment and materials will be kept on site. If any equipment or materials need to be stored on the roadway or sidewalk, the Caldwell Police Department must be contacted for guidance of proper storage.

(b) Any construction work that needs to be done in the roadway, requires construction equipment to operate in the roadway or impedes any vehicular or pedestrian traffic,

the Caldwell Police Department shall be notified for guidance of proper work zone set-up and to ascertain if a police officer will be required for traffic control.

(c) The construction area shall be properly fenced and locked so access cannot be gained after hours.

(d) Due to the roadway design and infrastructure within the area of the construction, the Caldwell Police Department requests a detailed construction and work zone plan outlining when the construction will commence, approximately how long the project will last and an itemized list of each phase of the construction project.

18. Mark Guiliano, Fire Official for the Borough of Caldwell, had the following comments to the application:

(a) Fire Protection Systems. Due to the type of construction, fire load, life hazard, and available water supply, the building should be Fully Sprinklered w/Standpipes to include the placement of sprinkler heads in voids. An approved low voltage supervised fire alarm system is to be installed as per applicable construction code.

(b) The underground parking area, in addition, to the aforementioned sprinkler system and fire alarm system should have on the far end a standpipe connection, and a carbon monoxide detection system, to be approved by the fire official tied into the monitored fire alarm system.

CONCLUSIONS

1. The Board finds and concludes that the applicant's request of a site approval to allow the applicant to demolish all existing structures on the subject property and to construct a four story mixed use building with two retail tenant spaces (1,254 sf. and 1,513 sf.) on the ground floor and with thirty (30) residential dwelling units of which 6 must comply with the

Township's Affordable Housing Ordinances and regulations, COAH regulations, the Fair Housing Act, UCC and UHAC requirements, the very low-income requirements (as defined by the Fair Housing Act as households earning no more than 30% of the region's median income) and these requirements, including bedroom distribution, shall apply to each individual income strata (low, very low and moderate-income units) on the remaining floors consisting of twenty-five (25) 1-bedroom, three (3) 2-bedroom and two (2) 3-bedroom units with associated parking, lighting and landscaping improvements, is approved by this Board.

2. The public health and safety issues which are concerns of the Board were properly addressed by the applicant in this case, including the concerns of the fire, police and water departments, as well as the environmental commission.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Planning Board of the Borough of Caldwell that the within application of 459 Bloomfield LLC & 5 Central Caldwell LLC for preliminary and final site plan approval and variances be and is hereby approved in strict accordance with the Site Plan prepared by Engineer, Daren J. Phil, P.E. of Suburban Consulting Engineering, Inc. dated April 14, 2020 last revised August 26, 2020, subject to the following conditions:

1. The terms of such approval are to be strictly in accordance with the plans and testimony presented to the Board and the Board Engineer's reports;
2. All taxes, fees, escrows, assessments and other monies due to the Borough shall be paid in full;
3. Applicant must obtain the appropriate building permit from the Borough of Caldwell;

4. The Applicant shall comply with all comments and recommendations contained in the report from the Board Engineer, Glenn Beckmeyer, P.E., dated August 31, 2020;

5. Applicant shall be bound to all representations made at the public hearing, including but not limited to providing landscaping with native plantings;

6. The Applicant shall comply with all rules, regulations, statutes and ordinances of the United States of America, State of New Jersey, County of Essex, and Borough of Caldwell;

7. The Applicant shall comply with and satisfy all prevailing affordable housing rules, regulations, directive and contributions as required by the Township of Caldwell, the county, the court system, COAH , and any other agency having jurisdiction over the matter.

8. The Applicant shall obtain governmental approval from any other governmental agencies with jurisdiction relating to the Property, as necessary.

THOSE VOTING IN FAVOR OF GRANTING THE APPLICANTS' APPLICATION FOR VARIANCE REQUESTED:

Mayor Kelley, Councilman Rodgers, Mr. Mihalik, Ms. Martin, Mr. Gardner, Mr. McGowan, Mr. Byrne

THOSE VOTING AGAINST GRANTING THE APPLICANTS' APPLICATION FOR VARIANCE

None

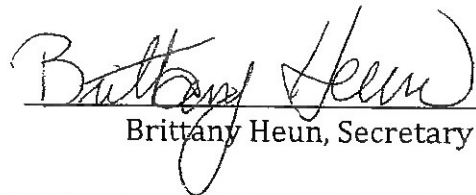
BE IT FURTHER RESOLVED that the undersigned Secretary for the Borough of Caldwell Planning Board certifies that the within Resolution and Memorialization was adopted by the Planning Board for the Borough of Caldwell pursuant to N.J.S.A. 40:55D-10(g) at its meeting of October 14, 2020, and the Board shall 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.

Adopted and Approved
December 9, 2020
CALDWELL PLANNING BOARD



Brittany Heun, Secretary

Revised and Re-Adopted
July 14, 2021
CALDWELL PLANNING BOARD



Brittany Heun, Secretary

Dated: December 9, 2020
Prepared by: Robert S. Cosgrove, Esq.