

**Borough of Caldwell
Planning Board
July 9, 2014
Minutes**

The Planning Board was called to order by Mr. Gardner at 7:39PM in the Municipal Building, second floor Council Chambers.

ROLL CALL: Mr. Kinzel, Ms. Martin, Ms. Finnegan, Mr. Gardner, Mr. Mihalik, and Mr. Byrne

PRESENT: Alan Trembulak, Esq. and Mr. Marucci

ABSENT: Councilman Durkin, Mayor Dassing and Ms. Santiago

STATEMENT OF COMPLIANCE: The statement of compliance with the Open Public Meetings Act was read.

PLEDGE OF ALLEGIANCE

OLD BUSINESS:

Application P14-001, Caldwell College, 120 Bloomfield Avenue, Block 57, Lot 5, Block 60, Lot 3, 3.01, 3.02, 3.03, 3.04
Site Plan Approval

Mr. James Bruno made a brief summation.

Heather Suarez, Attorney at Walder Hayden in Roseland and she represents four of the newest residents for purposes of tonight's meeting. For the record she would like to reference the fact that her firm served a letter upon Board Counsel, Mr. Bruno and Chair. The letter is dated today and it raises certain jurisdictional issues. She would like the letter of today to be part of the record file and she did have the benefit of listening to the audio tape and it was her understanding that Mr. Petry's testimony had been concluded at the hearing that was held on the 25th. For the record she is going to object for Mr. Petry's testimony to be reopened after it was closed.

Mr. Trembulak testified that he agreed that we should mark as an exhibit the letter from Ms. Suarez which was hand delivered to him this evening.

Exhibit

0-1 July 9, 2014 - Letter from Ms. Suraez

Mr. Trembulak further testifies that he is satisfied that the notices sufficient and the Board has a jurisdiction to continue the application and he has discussed it with Mr. Bruno and it's the applicants risk to notice being declared invalid by a board and having it to come back and do it all over again and Mr. Bruno indicates that he is willing to proceed. With respect to Ms. Suraez's other comment she is right Mr. Petry completed

his direct examination at the last meeting however in response to question on the Board a revised landscaping plan and was submitted. The applicant has the right to question Mr. Petry on the revised landscaping plan.

Exhibit

A-10 – Lanscape revised 6-27-14

A-11 – Landscape plan for Newman Center Parking lot

Mr. Petry offered the following testimony and answers to questions:

- Exhibit A-10 tennis court parking lot is being replaced by landscaping.
- Exhibit A-11 Newman center parking lot relocating of the norweigh spruce to the street side slope of the existing berm.
- There are 62 proposed spaces at the Newman center parking lot and 25 future spots.
- The landscaping will be extended down the parking lot as far as phase I construction.
- The University would provide all the landscaping on the plan including the landscape that would adjoin the future parking.
- Trees that are currently existing would not be removed until such time as the university is prepared to move forward with parking lot.
- The driveway that runs behind the tennis court parking lot will be replaced with clean crush stone.
- The berm in the Newman center lot is used for blocking headlights.
- The required front yard is 40' and the university has set this parking lot back behind the 40' required front yard.

Open to public for questions from Mr. Petry based on his testimony.

Margie Jameson, 56 Oak Grove Road asked questions on the lighting and the landscaping on the tennis court lot.

Ms. Jennifer Sullivan, 17 Hawthorne Road, Essex Fells asked questions about level area on campus.

Stacey Potenzano, 30 Oak Grove Road asked questions about trees that were cut down and Mr. Petry responded there was maintenance done to remove dead trees.

Vincent Cociliovo, 19 Grove Street asked questions on future parking.

Bill Sullivan, 17 Hawthorne Road, Essex Fells asked why permits were not required with work that is being done.

John Intili, 8 Oak Grove Road asked about the fire exit Road and whether it would ever be changed to a driveway and Mr. Petry responded that it is gated with a chain and it is the College's commitment to stay that way.

Mr. Trembulak responded that the Resolution of 1999 states that the College will close Oak Grove Road and leave as an access for the Fire Department. If they wanted to change that they would have to come before this Board to get approval.

Shik Ormond, 11 Seymour Street asked the question about the buildings on Bloomfield Avenue why the College can't build on that property.

Ann Marchioni, Environmental Commission is concerned about the wild life.

Mr. Panzano, 7 Seymour Street asked the question about Ryerson Avenue being a one way.

Mr. Marucci responded that there was a resolution in 2007 when Mr. Petry brought in another application for the College which was to redo the access Road on Bloomfield Avenue for the Dormitory. Through that approval there was a new resolution and he believes there was a condition about closing the Ryerson Avenue.

Ms. Finnegan responded that at the last meeting you indicated that Ryerson Avenue driveways could be made a one way and Mr. Petry responded that the Board could impose a condition that those driveways would be one way.
Discussion continued with Board members and Mr. Petry on the one way into Ryerson Avenue driveways.

Ms. Heather G. Suarez asked questions to Mr. Petry based on his testimony.

- The Storm water calculation report is dated May 21.
- The plans presented by Mr. Petry's office have not been marked as exhibit.
- Mr. Petry's firm describes the particular project as Supplemental Visitor Parking.
- The parking that is proposed is an expansion of the parking lot and for the record the lot that is in the Newman area is going to be used by employee's and staff.
- The tennis court parking lot is an expansion of staff and employee parking.
- The information in the upper right hand corner on the plans were based upon the tax maps.
- Mr. Petry has been representing the university since 1999.
- Mr. Petry does not believe that Lot 3.04 listing is the Sisters of Saint Dominic it was merged at some point with the University.
- The lighting for the Newman parking lot and the tennis courts parking lot are conformed to the requirement in Caldwell.

Recess 9:03PM - 9:11PM

Ms. Heather Suarez testified that they have made a request and Ms. O'Neill is trying to locate the 2007 Resolution that was referenced during the earlier testimony.

Mr. Simoff, Simoff Engineering was sworn in and qualified as a licensed Traffic Engineer. Mr. Simoff provided the following direct testimony and answers to questions from the Board:

Exhibit

0-2 - Resolution 99-P104

0-3 – Caldwell University Aerial

0-4 – Southern Ryerson Driveway looking west

0-5 – North on Ryerson

0-6 – Dr. Blattner Letter, June 11, 2014

- 1999 Resolution has a condition that only a right hand turns out of driveway and there are no signs stating that. The intent was to restrict traffic to and from the residential area's to the south.
- Nursing program and Autism building should not have a relationship to where the parking lots are located.
- There are infill locations for parking.
- There were no statistics in the application for any of the driveways on Ryerson Avenue.
- There is an additional 124 spaces and if the spaces turn over two or three times in the day it could be as many as 300 movements.
- A recommendation of a traffic study should be done on the driveways coming out of Ryerson and part of the traffic needs to offset Seymour and Ryerson campus driveway.
- The conditions of the 1999 resolution have not been implemented.
- Mr. Marucci's report has concerns relative to a traffic study.

The application will be continued at the next Planning Board meeting of August 13, 2014 at 7PM.

Respectfully Submitted,

Lisa O'Neill
Planning Board Secretary