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60 Union Street, First Floor, Newark NJ 07105

## Consistency Review Memorandum

Date: June 18, 2021

To: Borough of Caldwell, Borough Council

Copy: Thomas Banker, Borough Administrator  
Alan Trembulak, Esq. – Board Attorney  
Vincent Nuzzi, Esq. – Borough Attorney  
Glenn Beckmeyer, P.E. – Borough Engineer  
Brittany Heun – Deputy Clerk

From: Phil Abramson, AICP, PP

Redeveloper: Mejia Properties LLC

**SUBJECT: REDEVELOPMENT PLAN CONSISTENCY REVIEW  
16 PARK AVENUE (BLOCK 23, LOT 9.02)**

Mejia Properties LLC (herein the “Prospective Redeveloper”) submitted materials to the Borough Council to be evaluated for consistency with the Downtown Caldwell Redevelopment Plan, as amended on May 4, 2021 (herein the “Redevelopment Plan”). More specifically, the submitted materials outline a proposed ground floor bicycle retail store located at 16 Park Avenue (the “Redevelopment Site”). This memorandum provides an assessment of the submitted documents and is organized as follows:

- *Section I. Process / Framework:* This section provides an overview of the “consistency review” provisions included within the Redevelopment Plan and mandatory submission items, which will provide context for the analysis and recommend a specific review process.
- *Section II. Project Overview:* This section provides a basic description of the project proposal and development program.
- *Section III. Compliance Review:* This section provides an analysis of the project for compliance with the development standards and requirements contained in the Redevelopment Plan.

As this memorandum will conclude, we find the submission materials by the Prospective Redeveloper to be **generally consistent** with the Redevelopment Plan. While certain components of the proposed project may require design waivers from the Redevelopment Plan standards, such relief could be granted by the Planning Board at such a time when a site plan application is submitted.

The conclusions and recommendations contained herein were based upon a review of the following materials:

- A. **Cover Letters**, prepared by Stephen F. Hehl, Esq. of Javerbaum Wurgaft Hicks Kahn Wikstrom & Sinins, P.C. and dated May 27, 2021 and June 17, 2021.
- B. **Boundary and Topographic Survey**, consisting of 1 sheet by James Watson, P.E., P.L.S. of EKA Associates, P.A. and dated May 25, 2021.
- C. **Site Plan**, consisting of 1 sheet by Thomas J. Quinn, P.E., C.M.E., of EKA Associates, P.A. and dated May 25, 2021.
- D. **Architectural Elevations and Floor Plan**, consisting of 1 sheet, prepared by Gary Kliesch and Associate Architects and dated May 26, 2021.
- E. **Traffic, Parking, and Circulation Assessment Report**, consisting of 3 pages by Matthew Seckler, P.E. and John Corak, P.E. of Stonefield Engineering dated May 25, 2021.
- F. **Turning Radius Template**, consisting of 1 sheet (undated).

#### I. PROCESS / FRAMEWORK

- A. **Procedural Process:** The Redevelopment Plan requires the Borough Council, acting as the Redevelopment Entity, to review and approve all proposed redevelopment projects, in a manner consistent with the Redevelopment Plan and municipal master plan, to ensure that such project is consistent with the Redevelopment Plan. Upon submission to the Borough, the Redevelopment Plan requires three key procedural steps before the Prospective Redeveloper may have standing before the Planning Board for site plan or subdivision submission:
  - 1. *Redeveloper Designation:* "Redevelopers" as defined in the Redevelopment Plan, are entities designated as such by the Borough pursuant to an adopted resolution of the governing body. Formal designation of a redeveloper is required before associated applications may proceed before the Planning Board.
  - 2. *Redevelopment Agreement:* All designated redeveloper(s) shall execute a redevelopment agreement satisfactory to and authorized by the Borough Council, acting as the Redevelopment Entity.
  - 3. *Consistency Review:* Plans must be submitted to the Borough for review and authorization prior to submitting a site plan or subdivision application to the Planning Board (*see further discussion in Section I.B of this memorandum*). The review may address the site and building design elements of the project to ensure that the project adequately addresses the goals and objectives of this Plan.
- B. **Required Submission Items:** Pursuant to the Redevelopment Plan, several items must be submitted for review by the Borough Council. In short, this includes the following:
  - 1. *Design Documents:* The Prospective Redeveloper must submit engineering plans and architectural plans to determine the scope of the design and verify that the development program is consistent with the Redevelopment Plan land use standards.

- i. Status: Engineering and architectural plans of the proposed development have been provided. As outlined in Section III of this memorandum, additional materials will be required to confirm and document final compliance requirements with the Redevelopment Plan.***
- 2. Traffic Study:*** A Traffic Impact Study for the proposed Redevelopment Site shall be submitted prior to execution of any Redeveloper Agreement:

  - i. Status: A Traffic, Parking, and Circulation Assessment Report prepared by Stonefield Engineering dated May 25, 2021 has been submitted.***
- 3. (Optional) Additional Submission Materials May Be Requested by the Borough:*** The Borough Council may request, as deemed appropriate to the particular Redevelopment Site, additional submission materials to demonstrate the proposed project is consistent with the objectives and standards of the Redevelopment Plan. This may include documentation evidencing that the financial responsibility and capability of the Proposed Redeveloper with respect to carrying out the proposed redevelopment project.

  - i. Status: We defer to Borough Council regarding any additional materials that would address outstanding questions / concerns.***

After the Borough Council have completed the process noted above, and have executed a redevelopment agreement, only then may the designated redeveloper proceed before the Planning Board as outlined in N.J.S.A. 40:55D-1 et seq.

## II. PROJECT OVERVIEW

- A. Site Conditions:** The Redevelopment Site currently consists of a 6,117 SF lot with a 2.5-story building that contains a ground floor office use and one residential unit on the upper floor. The Site consists of a shared paved driveway with the adjacent Lot 9.01 which accesses the rear parking area.



Figure 1: Aerial Map (Courtesy of Google)



Figure 2: Site Photo (Courtesy of Google)

- B. **Zoning:** In accordance with the Redevelopment Plan, "This redevelopment plan shall also supersede any conflicting standards in the Borough's zoning code as would be applied to any development proposal that requires site plan approval (pursuant to Borough Code Sec. §210-13)." The proposed plan requires site plan approval; Therefore, the Redevelopment Plan shall supersede the underlying zoning. The Redevelopment Site is in **Subdistrict IV – Downtown Infill** of the Redevelopment Plan.

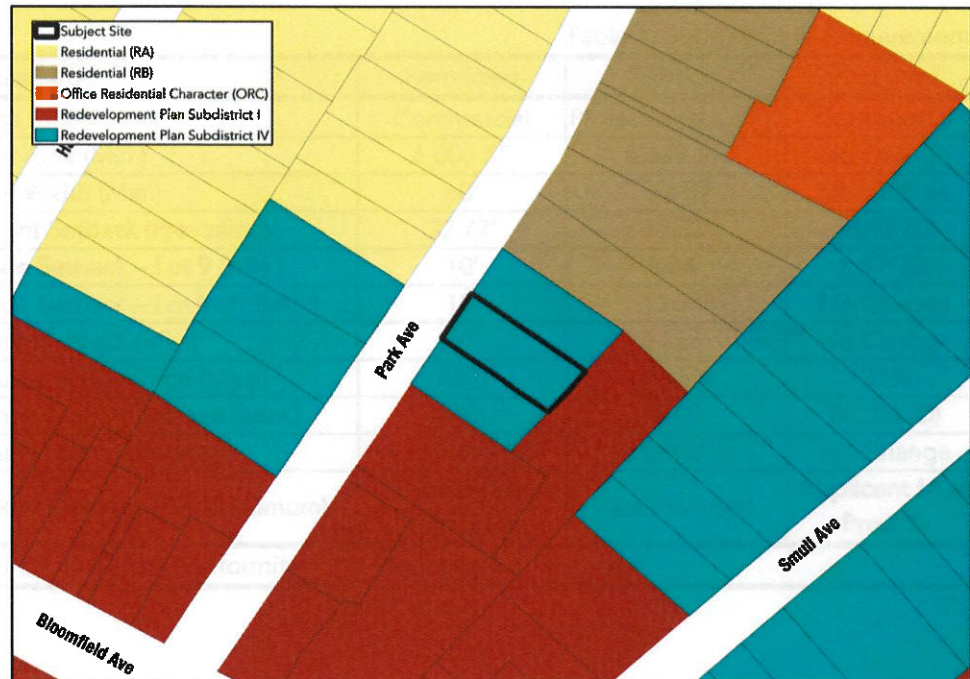


Figure 3: Zoning Map

**Table 2: Parking and Loading Requirements (Chapter 6.8-9)**

Standard	Required	Proposed
<b>Parking Spaces</b> ▪ <b>Commercial: 2.5 (min.) /3.5 (max.) per 1,000 SF</b> ▪ <b>Residential: 1.5 (min.) /2.5 (max.) per unit</b>	5 Spaces ▪ <i>Commercial: 3.5 spaces (1,390 SF)</i> ▪ <i>Residential: 1.5 spaces (1 Unit)</i>	<b>4 Spaces (D)</b>
<b>Bicycle Parking Spaces</b> ▪ <b>Commercial: 1 (min.) per 7,500 SF</b>	1 Space	<b>0 (D)</b>
Loading	§250-20 of Borough Code	None*
(D) Deviation (i.e. Variance)		
*§250-20 requires loading area to be as approved by the Planning Board.		

The following design table is limited to changes to the site improvement. Such potential non-conformities to the structure (i.e. pre-existing floor-to-floor height) have been removed.

**Table 3: Design Requirements District-Wide (Chapter 6.12)**

Design Requirement	Permitted	Proposed
<b>Screening of Outdoor Refuse</b>	Required	<b>Unscreened Trash Barrel Area (DW)</b>
<b>Lighting Requirement</b>	<ul style="list-style-type: none"> <li>▪ Property Line: 0.5fc (Max.)</li> <li>▪ Sidewalks: 1 – 3fc</li> <li>▪ Parking/Driveway: 1 – 3fc</li> <li>▪ Building Entrance: 5-7.5fc</li> <li>▪ Building Façade: 5fc (Max.)</li> </ul>	<b>Applicant Must Provide</b>
<b>Sidewalk Width (Minimum)</b>	6'	<b>4' (E, DW)</b>
<b>Outdoor Space</b>	1 Unit = 150 SF	<b>0 SF (E, DW)</b>
<b>Street Lights (Minimum Interval)</b>	60'	<b>None (DW)</b>
<b>Street Trees Intervals (Minimum)</b>	25'	<b>None (DW)</b>
(E) Existing Non-Conformity (DW) Design Waiver		

**B. Compliance / Technical Comments and Clarifications:** Certain deviations and/or design waivers may be granted by the Planning Board per §7.6 of the Redevelopment Plan. The following deviations / design waivers listed below would remain within Planning Board jurisdiction. However, the Borough Council (acting as the Redevelopment Agency) may impose certain terms / conditions in any Redeveloper Agreement that rejects certain components of the design and require modifications to be accommodated during site plan submission. These modifications may include alternative / final design approval to the concept plans, such as an alternative to the front yard ramp, finalizing window glazing, requiring that the parking area must meet the approval to the board engineer, etc. Otherwise, we find the Prospective Redeveloper’s proposal consistent.

1. **Front + Side Yard Setback (Proposed Ramp):** We offer concern regarding the proposed ~15-20 feet front yard ramp, which creates a front yard and side yard setback deviation. The elevation plans do not depict how this ramp will appear nor depict visual impact on the surrounding houses, which have a clear and established setback pattern (see photo below). We recommend the Prospective Redeveloper consider an alternative design such a mechanical lift, internal

ramping, or shared driveway easement with adjacent owner to relocate the ramp to the side.

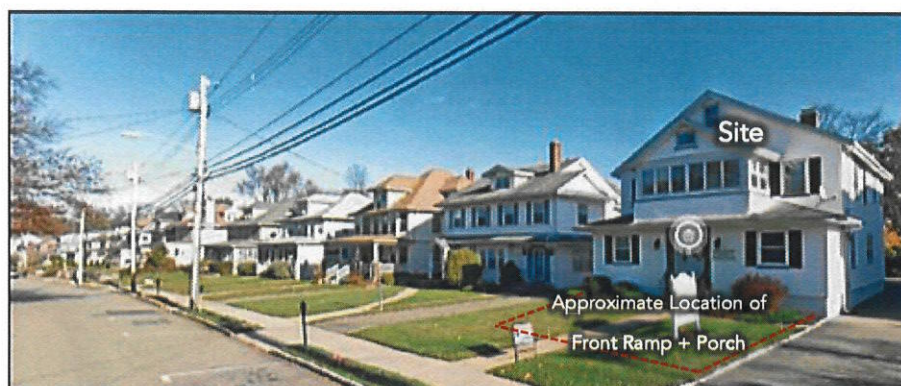


Figure 4: Park Avenue Front Setback Pattern (Courtesy of Google)

2. **Improved Coverage:** The pre-existing impervious coverage of 82% will be expanded to 85.1%, where the Redevelopment Plan permits lot coverage up to 70%. The Prospective Redeveloper is encouraged to use landscaping, rain gardens bioswales, or alternative methods to the greatest extent practicable to offset any related impacts of increased stormwater runoff.
3. **Floor Transparency:** The Prospective Redeveloper must provide a ground transparency level of at least 30% and upper transparency level of at least 25%. Such transparency levels have not been provided at this time. The Prospective Redeveloper is encouraged to also provide symmetrical façade window glazing to make for an attractive building appearance.

During site plan submission, the Applicant should provide all elevation plans as only one side and the front are submitted at this time. The Applicant should also confirm what is happening inside the commercial space (i.e. label the floor plan rooms, show location of merchandise, etc.) and depict any signage, colors and building materials on the plans.

4. **Parking and Loading:** The proposed plans does not comply with the parking requirement where 5 spaces are required and 4 are proposed. The Applicant should discuss their Traffic Report which details their parking, loading, and circulation feasibility.
5. **Design Items:** The Applicant shall discuss all design waivers, which include screening outdoor refuse, as well as the feasibility to incorporate design requirements such as lighting, bicycle parking, expanding the sidewalk width on Park Avenue, incorporating streetlights/trees, and creating outdoor space that will serve the pre-existing residential unit.