



CALD-R0001

February 13, 2023

Borough of Caldwell Planning Board
% Kim Conlon
Borough of Caldwell
24 Smull Avenue
Caldwell, NJ 07006

**Re: Planning Board Application No. RED23-001
The Manor at Caldwell, LLC
Block 41, Lot 7: 26-30 Lane Avenue
Subdistrict V (Residential) - Redevelopment Plan
Planning Review: Preliminary and Final Site Plan Application**

Dear Chairman Byrne and Members of the Caldwell Planning Board:

We are in receipt of an application for Site Plan approval for the above application. The applicant also submitted engineering and architectural plans, a topographic survey, an architectural rendering and various reports.

The application is for Site Plan approval of a property that is located within the Downtown Caldwell Redevelopment Area. The application involves the proposed development of a multi-family structure with associated parking and other improvements.

We offer the following comments on the proposed development and submitted application materials.

Subject Property and Area Description

The subject property is located at 26-30 Lane Avenue and identified as Block 41, Lot 7, on the Borough of Caldwell Tax Map. Lot 7 consists of 48,412 SF (1.11 acres) and is located on the east side of Lane Avenue, south of the Bloomfield Ave. intersection. The subject property is improved with a two-story frame residential dwelling. A detached garage is located behind the dwelling, and a circular drive provides access from Lane Ave. to the back of the dwelling and the garage. A shed is located in the southeastern section of the property. Lot 7 is sloped and vegetated in the area behind the garage. West Caldwell Township is located to the west of the subject property, with Lane Ave. forming the municipal boundary line.

Lot 7 is part of the Borough of Caldwell's Redevelopment Plan, adopted on December 15, 2020, by Ordinance #1394, as thereafter amended. The Redevelopment Plan divides the included properties into subdistricts. The subject property is placed in Subdistrict V, Residential, within the Redevelopment Plan. According to the Plan, Subdistrict V shall be redeveloped to create a moderate density, transitional neighborhood consisting of three-to four-story residential development.

The Borough of Caldwell and the Manor at Caldwell, LLC entered into a Redevelopment Agreement dated December 12, 2022 for the subject property. The agreement states that the Borough has chosen to act on its own behalf as the Redevelopment entity for the purposes of implementing the Borough's

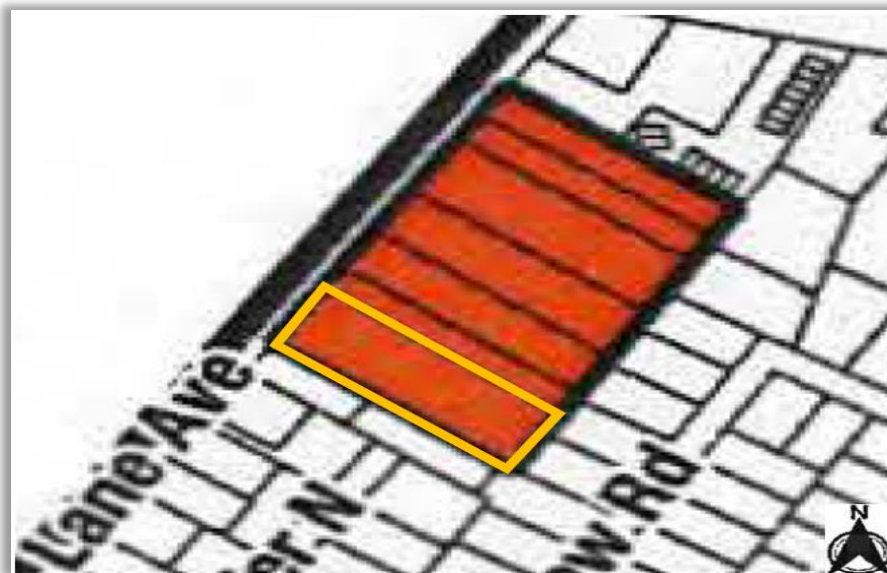
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Redevelopment Plan. The agreement further states that the Borough of Caldwell has contracted with the Manor at Caldwell, LLC (the Redeveloper) for redevelopment work at the subject property. Adjacent to the north of the subject property are residential uses, that are also located within the Subdistrict V (Residential) in the Redevelopment Plan. Further north is a property that is also in the Redevelopment Plan and has been approved for a multi-family housing development. Adjacent to the east are multiple single-family dwellings located within the R-A (Residential) Zone. Adjacent to the south are two single-family dwellings located within the R-B (Residential) Zone. Across Lane Avenue to the west are single-family dwellings located within the Township of West Caldwell.

The subject property's location within the Subdistrict V (Residential) of the Redevelopment Plan and a street view of the subject property are shown below.

Redevelopment Plan Map Outlining Subject Property (Block 41, Lot 7)



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Google Street View of Subject Property (Block 41, Lot 7)



Proposal

The applicant proposes to remove most of the improvements on the subject property and construct a multi-family residential building with on-site parking and other associated improvements. The building is proposed to be set back approximately 25 ft. from the front property line. The proposed project includes 44 multi-family residential units, of which nine apartments will be affordable units, in a single building. One point of access from Lane Ave. is proposed. A driveway with a width of 24 ft. will provide both access into and out of the proposed development. It appears that the existing shed is proposed to remain.

The footprint of the proposed multi-family building contains approximately 22,800 SF. The architectural plans indicate the following bedroom distribution: thirteen (13) one-bedroom units, twenty-nine (29) two-bedroom units, and two (2) three-bedroom units.

The applicant is proposing 50 parking spaces on the Lower Level and 47 spaces on the Ground Floor Level, for a total of 97 parking spaces. Three of the spaces on each level will be barrier-free parking spaces. The Lower Level also contains a lobby area, mechanical area, and bicycle storage area. The Ground Floor also includes a lobby area and package room. A note on the plans states that 10% of the parking spaces shall accommodate electric vehicle parking spaces when more than 10 parking spaces are being constructed, such as the subject application.

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The Second Floor Plan consists of 14 residential units, a 720 SF community room and a 3,380 SF terrace. The 14 Second Floor apartments include three (3) one-bedroom units, ten (10) two-bedroom units and one (1) three-bedroom unit. The Third Floor Plan contains 15 residential units, of which four (4) are one-bedroom, ten (10) are two-bedroom and one is a three-bedroom unit. Finally, the Fourth Floor Plan includes 15 residential units, of which six (6) are one-bedroom and nine (9) are two-bedroom units. No three-bedroom units are proposed for the fourth floor. The submitted plans indicate that the proposed building will have a building height of 46.27 ft. and four stories.

The project includes nine affordable units. However, none of the units on the architectural plans are listed as affordable units. The plans need to indicate which units are the affordable units and provide information showing that the required bedroom and income distributions are met. Pursuant to applicable affordable housing regulations, for nine affordable units, there should be no more than one (1) affordable one-bedroom unit, and a minimum of three (3) two-bedroom affordable units and two (2) three-bedroom affordable units. The remaining three affordable units may be either two or three bedroom units. Finally, five of the affordable units must be low income units and four may be moderate income units.

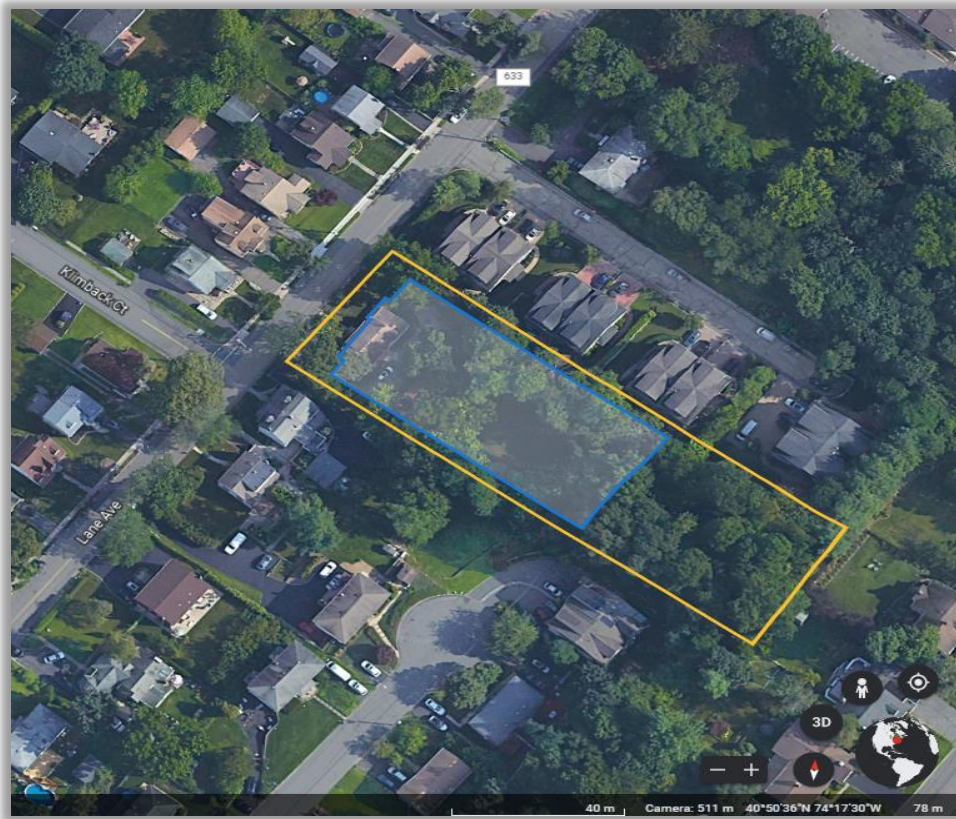
A paver patio measuring approximately 800 SF is proposed for back for the back of the building. A retaining wall and some landscape plantings are proposed around the paver patio. Additional plantings are proposed on the north and south sides of the building as well. Retaining walls are also proposed along the north, south and back sides of the building. Various sidewalks are proposed. A double row landscaped screen enhanced with Norway Spruce and Green Giant Arborvitae is proposed behind the building and the paver patio. Street trees are proposed along the front of the building.

The following Google Earth image outlines approximate limits of the subject property and the proposed site improvements.

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Google Earth Imagery – Approximate Outline of Subject Property and Site Changes (Block 41, Lot 7)



Redevelopment Plan

According to Caldwell’s Redevelopment Plan, the Borough has determined that the use of redevelopment power is the most effective way to redevelop the properties contained within the redevelopment area. All of the properties that are contained in the Redevelopment Area were first declared an “Area in Need of Rehabilitation” pursuant to Resolution #9-205 that was adopted on September 17, 2019.

On December 15, 2020, the Caldwell Borough Council adopted the Caldwell Redevelopment Plan through Ordinance 1394-20. Subsequent amendments have been adopted to the Plan, with the most recent amendment adopted as Ordinance 1423-21, which the Governing Body adopted on December 28, 2021.

The goals of the Downtown Redevelopment Plan include: promoting economic development, creating expanded and appropriate housing options, promoting a development pattern that supports multiple modes of transportation, introducing high quality architecture and design, and blight eradication.

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Permitted Uses

The Borough’s Downtown Redevelopment Plan states “In accordance with N.J.S.A. 40A:12A-7(c) and as further specified in the following paragraphs, this Redevelopment Plan shall be considered to both supersede the Borough Zoning Ordinance, in part, and to constitute an overlay district, in part.” The Redevelopment Plan is adopted as an ordinance, and that ordinance designates permitted uses and bulk regulations, as well as other requirements, for the properties that are in the Redevelopment Plan. These uses, bulk standards and other requirements are explained throughout this report.

Lot 7 is located within the Borough’s Subdistrict V (Residential) of the Redevelopment Plan. Pursuant to section 6.7.2, Subdistrict V of the Redevelopment Plan, permitted uses include multi-family residential use and townhouse use; for both permitted uses, more than one principal building may be constructed on an individual lot. The permitted density for multifamily developments in Subdistrict V with a lot area of one acre or more is 40 units an acre. The proposed development is a permitted use pursuant to the Redevelopment Plan.

Bulk and Area Requirements

Pursuant to section 6.7.6 Subdistrict V of the Redevelopment Plan Overlay Zone, the proposal’s compliance with the bulk and yard standards of the Subdistrict V (Multi-Family) Overlay Zone is as follows:

Bulk and Area Requirements (Subdistrict V Residential) – 6.7.6				
Description	Permitted	Existing	Proposed	Conforming
Minimum Lot Area	15,000 sq. ft.	48,412 sq. ft.	No Change	Yes
Minimum Lot Width	50 ft.	124.50 ft.	No Change	Yes
Minimum Lot Depth	300 ft.	393.3 ft.	No Change	Yes
Minimum Front Yard Setback	22.5 ft.	23.3 ft.	25.67 ft.	Yes
Minimum Side Yard Setback (North)	10 ft.	38.5 ft.	10.13 ft.	Yes
Minimum Side Yard Setback (South)	10 ft.	22.4 ft.	10. ft.	Yes
Minimum Rear Yard Setback	30 ft.	290.3 ft.	138.69 ft.	Yes
Maximum Building Coverage	60%	4.8%	46.2%	Yes
Maximum Impervious Coverage	70%	13.7%	56.2%	Yes
Maximum Building Height	4 Stories or 50 ft.	2 Stories / < 30 ft.	4 Stories / 46.27 ft.	Yes

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Bulk and Area Requirements (Subdistrict V Residential) – 6.7.6				
Description	Permitted	Existing	Proposed	Conforming
Maximum Density (Dwelling Unit / Acre)	40 du/ac	1 du/ac	39.6 du/ac	Yes
Minimum Accessory Side Yard Setback	10 ft.	1 ft. (ENC)	No Change	No (DV)
Minimum Open Space	*3,300 sq. ft	N/A	3,380 sq. ft.	Yes

(DV) = Deviation

(ENC) = Existing Non-Conformity

* Minimum of 75 square feet per residential unit of open space is required. 75 sq. ft. x 44 units = 3,300

The Redevelopment Plan offers direction on situations where the Subdistrict bulk regulations are not met. Section 7.6 of the Redevelopment Plan states that, “The Planning Board may grant deviations from the regulations contained within this Plan where, by reason for exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, preexisting structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Plan would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Planning Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Plan would be advanced by a deviation from the strict requirements of this Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of this Plan. An application for a deviation from the requirements of this Plan shall provide public notice of such application in accord with the requirements of public notice as set forth in NJSA 40:55D-12. a. and b. Notwithstanding the above, any changes to the uses permitted in this Redevelopment Area shall be permitted only by means of an amendment of the Redevelopment Plan by Borough Council, and only upon a finding that such deviation be would be consistent with the furtherance of the goals and objectives of this Redevelopment Plan.”

As shown in the above table, a shed that presently exists on the subject property, will not meet the accessory structure setback requirements. The applicant should provide testimony on the shed size and location, and the reason for maintaining the shed in light of the proposed new development.

Design Standards & Other Requirements of the Redevelopment Plan

We offer the following comments on the submitted plans and application materials as compared to the Borough’s Redevelopment Plan requirements. Recommended revisions or requests for additional information are shown in bold font.

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A. 6.7.7 - Subdistrict Design Standards

1. Transparency: Section 6.7.7. of the Redevelopment Plan requires transparency as follows:
 - Ground Floor fronting on any street – minimum transparency of 25%
 - Upper Floor fronting on any street – minimum transparency of 20%

Sheet A-4 of the architectural plans indicates conformance with these requirements. However, calculations are not provided to confirm the conformance; the plans must be revised to include this information. In addition, a sample or photograph of the proposed glazed area should be provided to confirm that the required transparency is being met.

B. 6.8 A & B - Off-Street Vehicular Parking and Bicycle Parking Requirements

1. Pursuant to Sections 6.8A and 6.8B, Subdistrict V (Residential), the required and proposed Parking and Bicycle Requirements are as follows:

Off-Street Parking and Bicycle Parking Requirements – Redevelopment Plan Chapter 6.8A and 6.8B				
Description	Required	Existing	Proposed	Conforming
Minimum 2 / Maximum 3 - Parking Spaces Per Unit	Minimum 88* Spaces / Maximum Spaces 132	2-6 Spaces	97 Spaces	Yes
Minimum Electric Charging Stations	10 Spaces**	0 Spaces	10 Spaces	Yes
Minimum 1 Bicycle Parking Space Per Unit (Maximum of 50)	44 Spaces***	0 Spaces	49 Spaces	Yes

*Parking Calculations:

- Minimum Spaces Required: 44 Units * 2 Spaces = 88 Spaces
- Maximum Spaces Permitted: 44 Units * 3 Spaces = 132 Spaces

**Electric Charging Station Calculations:

- Minimum Electric Charging Stations: 97 Proposed Parking Spaces x .10 = 10 Spaces

** *Bicycle Calculations

- Minimum Spaces Required: 44 Units * 1 Space = 44 Spaces

The bulk table indicates that 99 parking spaces are proposed, but the plans indicate 97 spaces in the two parking levels. If additional exterior parking is proposed, that should be clarified and explained at the hearing. Otherwise, this discrepancy should be clarified and the plans revised accordingly.

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A bicycle storage space containing approximately 320 SF is shown on the proposed building's Lower Level, and a bicycle rack detail also is provided. Testimony should be provided on the number of bicycles that can be stored in the proposed bicycle storage space, and if any other bicycle storage is proposed. It is noted that the Redevelopment Plan's goals include promotion of bicycle usage.

A note on Sheet 3 of the plans states that ten percent of the parking spaces shall have access to electric vehicle charging stations. However, the note states that the project includes 236 parking spaces, and therefore 24 electric vehicle parking spaces are proposed. The plans indicate 97 proposed parking spaces; this discrepancy needs to be explained, and the proposed number of parking spaces needs to be clarified, with the plans revised accordingly.

The plans also need to be revised so that the electric vehicle charging station locations are clearly identified.

2. Pursuant to Subdistrict V section 6.8.B.3 of the Redevelopment Plan:

- i. *"Where public sheltered/protected bicycle parking is provided, bicycle parking facilities shall be at least as protected and secure as any automobile parking provided.*
- ii. *Bicycle parking facilities within an automobile parking area shall be separated by a physical barrier (i.e., bollards, reflective wands, curbs, wheel stops, poles, etc.) to protect bicycles from damage by cars."*

The applicant should provide testimony that no bicycle parking is proposed within the parking garage. If bicycle parking is proposed within the car parking garage, additional details are required on any proposed physical barriers, and the plans must be revised accordingly.

3. Pursuant to Section 6.8.B.4 of the Redevelopment Plan:

- i. *"At least half of bicycle parking when provided, shall be sheltered/protected. This shall, at a minimum, consist of a room within a residential building or workplace, a secure enclosure within a parking garage, or a cluster of bicycle lockers at a transit center or other setup providing similar security and protection from the elements.*
- ii. *Any required indoor bicycle parking/storage room must be located in a convenient and accessible location to a public sidewalk with no more than four vertical steps between the bicycle room and the sidewalk. Ramps and elevators may be utilized to provide access to bicycle storage not located at the first-floor level.*

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The applicant shall provide testimony on the amount of bicycle parking that is sheltered/protected vs. the amount that is unsheltered or unprotected. Testimony should be provided on the amount of bicycle parking that is proposed to be outside. Additionally, the applicant should provide testimony on the proposed number of vertical steps between the bicycle parking room and the sidewalk. If more than four vertical steps are proposed, a deviation is required. The site plan does not indicate a sidewalk adjacent to the bicycle storage area.

4. If the applicant is proposing outdoor bicycle parking, it must be in compliance with the requirements contained in Section 6.8.B.5 of the Redevelopment Plan, as follows:
 - i. *All required outdoor bicycle parking must be convenient and accessible to a main building entrance and street access.*
 - ii. *Bicycle parking shall be sited in a highly visible location, such as within view of passers-by, retail activity, office windows, an attendant or other personnel to discourage theft and vandalism and promote awareness of existence and availability.*
 - iii. *Bicycle parking shall be located so as not to block the pedestrian path on a sidewalk or within a site. A minimum of six (6) feet of unobstructed passage when parking is in use is required on public sidewalks.*
 - iv. *Size and style of bicycle rack shall be approved by the Borough of Caldwell Planning Board.*
 - v. *Bicycle racks must be securely attached to concrete footings and made to withstand severe weather and permanent exposure to the elements.*
 - vi. *All bicycle racks shall be located at least two (2) feet in all directions from a wall, door, landscaping, or other obstruction that would render use of the racks difficult or impractical.*

Testimony shall be provided on whether outdoor bicycle parking is proposed, and if so, where the proposed locations are, and their conformance with the above requirements. The plans should be revised accordingly.

C. 6.9 – Loading & Unloading

1. No loading spaces are shown on the submitted plans.

D. 6.10 – Alleyways

1. No alleyways are shown on the submitted plans.

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E. 6.11 – Access, Circulation & Traffic Study

1. The applicant submitted a Traffic Study. We offer the following comments on the study and circulation in general.

The Traffic Impact Study references the new construction that was recently approved to the north of the subject property. Testimony should be provided on whether traffic generated from the northern development was included in the analysis for the subject property.

The applicant should provide testimony on pedestrian circulation and safety in the parking area. The plans do not include any pedestrian crossing markings.

The applicant shall provide an overview of the traffic analysis and all circulation patterns.

The proposed parking lot includes spaces at the end of the aisles that could be challenging to enter or exit. In addition, a turnaround area is not proposed at the ends of the aisles.

Testimony should be provided on whether the proposed parking is sufficient to accommodate the anticipated number of residents and guests.

Testimony should be provided on the proposed parking space size and conformance with ordinance requirements. A deviation may be required.

F. 6.12 – Subdistrict-Wide Design Standards

We offer the following comments on the submitted plans and application materials as compared to the applicable Borough's Redevelopment Plan requirements for the Residential Subdistrict. Recommended revisions or requests for additional information are shown in bold font

1. 6.12.A.1: No blank walls are permitted, and it appears that none are proposed.
2. 6.12.A.2: Building Facades: No unfinished cement block shall be permitted. Building facades shall be designed to indicate a clear sense of entry to the building. The path from the street to the building entrance should be clear and welcoming.

The applicant should provide testimony on how this guideline is met.

3. 6.12.A.3: Rooftop Appurtenances: Rooftop Appurtenances such as but not limited to, HVAC equipment, elevator housing, exhaust pipes, water meters and other mechanical equipment are

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to be fully screened from the view as measured from 5 feet above grade at the property line(s) parallel to the far side of the adjacent right-of-way.”

The applicant should provide testimony regarding the screening of the proposed HVAC units , generator, roof hatch and elevator hatch, to confirm they are fully screened from view, measured from 5 feet above grade at the property line, parallel to the far side of the adjacent right-of-way. Pending the applicant’s testimony, a deviation may be required.

4. 6.12.A.4: Stepback: The plans indicate the 8 ft. building stepback is met.

The applicant should provide testimony in support of this guideline.

5. 6.12.A.5: Floor to Floor Height – Maximum 9 ft., which appears to be met.

Testimony should be provided in support of the guideline.

6. 6.12.A.7: Awnings/Canopies: The applicant is not proposing any awnings or canopies, however they are encouraged within Subdistrict V.

The applicant should provide testimony to confirm no awnings or canopies are proposed. and the reason for their exclusion.

7. 6.12.A.10: Cornices: Cornices and eaves may project no more than two (2) feet from the side of the building.

The applicant should provide testimony regarding the proposed cornice and eave projection distances from the side of the building. Additionally, the applicant should revise the architectural plans to include the same. Pending the applicant’s testimony, a deviation may be required.

8. 6.12.B: Amenity Space equal to 75 SF per residential unit is required. The amenity space shall be available to each unit and may consist of a variety of options, including terraces. The applicant is proposing a 3,380 SF terrace.

The applicant shall provide testimony on the proposed terrace space and provide additional information on its general appearance and its accessibility to all residents. The terrace slightly exceeds the required 3,300 SF required size (44 units x 75 SF/unit = 3,300 SF).

9. 6.12.C: Signage: All projects within the Redevelopment area shall comply with the signage requirements of the Borough’s Zoning Ordinance. The site plans do not indicate any proposed signage for the proposed multi-family residential building.

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The applicant should provide testimony on any proposed signage. If signage is proposed, then the applicant should revise the site plans to include the location(s) and signage details, to be determined if they are in conformance with the signage requirements, pursuant to §250-21 of the Boroughs Land Use Ordinance.

10. 6.12.D.: Lighting – The submitted plans provide limited lighting information. Testimony needs to be provided and there is the potential for necessary plan revisions as follows.

i. *“Developer shall propose a palate of fixtures and finishes for lighting that are modern, human-oriented and imaginative.*

It appears that one lighting fixture and post detail is provided. The applicant shall provide other options to fulfill this requirement of a palate of fixtures and finishes, and the plans should be revised accordingly.

ii. *Lights are to be fully enclosed/shielded, full cut off fixtures to prevent light spillage onto off-site properties or upward into the sky. All lights are to be dimmable and capable of control by timer. All lighting shall be directed away from all adjacent lots.*

A note on the plans indicates this requirement will be met.

iii. *Non-essential lights shall be turned off between the hours of 11:00 pm and 5:00 am.*

A note on the plans indicates this requirement will be met.

iv. *Safety lighting is required on structures. All wiring shall be laid underground.*

Testimony should be provided to show conformance.

v. *“Cobra” type lighting fixtures shall be prohibited except where required to provide appropriate foot candles at pedestrian walkways.*

Testimony should be provided to show conformance, and a plan note should be added.

vi. *Maximum mounting height of all lighting fixtures shall be no more than twelve (12) feet.*

Testimony should be provided to show conformance, and a plan note should be added.

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vii. *No flashing, laser, searchlight, strobe, tracing, pulsating, or neon exterior lighting is permitted.*

Testimony should be provided and a note should be added to the plans to show conformance.

viii. *Outdoor lighting levels and illumination shall meet the following average maintained horizontal footcandles measured at average point of illumination between 4 and 5 feet above grade:*

- *Property Line (Maximum): 0.5 footcandles at property line and 3.0 footcandles at sidewalk frontage.*
- *Sidewalks and public spaces: 1 – 3 Footcandles.*
- *Parking, Bicycle Parking, and Driveway Area: 1 – 3 Footcandles:*
- *Building Entrances: 5-7.5 Footcandles in Subdistrict V.*
- *Building Façade (Maximum): 5 Footcandles in Subdistrict V.”*

Testimony shall be provided on the above requirements, and the plans shall be revised as needed. A note on the plans indicates that lighting levels shall be calculated and provided prior to construction. Testimony shall be provided on why that information is not available at the time for the Board’s review and consideration as part of the Site Plan review. Lighting is an important consideration to the proposed development and surrounding area.

11. 6.12.E.1: Sidewalks – Sidewalk at least 6 ft. in width is required along Lane Ave. The sidewalk is provided in front of the proposed building.
12. 6.12.E.2: ADA Compliance: ADA Compliant tactile pavers shall be used to define the edge of any service drive or driveways. Tactile pavers shall be installed to the same standards required by ADA at the base of public sidewalk curb ramps and should indicate to pedestrians that they are entering the driveway.

The site plans do not indicate whether tactile pavers are proposed at the edge of the driveway, or any indication to pedestrians that they are entering a driveway. Therefore, pending the applicant’s testimony, a deviation may be required.

13. 6.12.E3: Street Lights. Street lights are to be provided at a minimum of 60 ft intervals along all public streets and near bicycle and pedestrian facilities accessible to the public and should be no taller than twenty ft.

Testimony should be provided on this requirement, including street light requirements on Lane Ave. and near the bicycle storage areas. The plans should be revised to indicate the same.

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14. 6.12.E4: Crosswalk & Pedestrian Crossings: Crosswalk treatment shall be designed to maximize visibility. Warning signage shall be installed as necessary. Crosswalks shall be a minimum of (10) feet in width.

We recommend the applicant revise the site plans to include a crosswalk from the proposed multi-family residential building across Lane Avenue for access to the crosswalk on the west side of Lane Avenue.

15. 6.12.E7: Bollards: Bollards may be required and are encouraged where curbs are flush with the roadway.

This requirement appears to be more appropriate for nonresidential uses. We defer to the Caldwell Board regarding the possible requirement of bollards.

16. 6.12.F1 & F2: Trash Receptacles & Outdoor Public Seating: Trash receptacles are to be provided... along pedestrian walkways... Seating is to be provided along pedestrian pathways and near shade trees. Redeveloper shall propose a palette of furniture, fixtures and finishes for seating that are modern, human oriented and imaginative.

These items are not included on the submitted plans. The applicant shall explore options for inclusion of trash receptacles and seating and revise the plans accordingly.

17. 6.12.G.1: Street Trees: Pollution resistant street shade trees are to be planted along both sides of the street, at regular intervals of 25 ft. on center.

- *Street trees shall have cast iron tree grates which are supported by the adjacent sidewalk structures.*
- *Brick or Belgian block pavers at the perimeter of tree pits shall be permitted where the architecture requires special treatment.*
- *Rain gardens and /or bioswales in tree pits are encouraged.*
- *Trees shall be a minimum of 3.5 inches caliper measured at eight inches above grade.*
- *Tree irrigation bags must be installed and maintained for at least six months after planting.*
- *Locations that are not reasonable feasible due to lack of sun exposure, conflicts with utilities or other challenges may replace the requirement to provide street trees with alternative plantings or streetscape design.*

Testimony should be provided on all of the above items, including, but not limited to, whether the proposed trees are pollution resistant shade trees, and whether there are opportunities for rain gardens or bioswales.

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18. 6.12.G2: Landscaping: Landscaping, rain gardens and bioswales are encouraged to the greatest extent practicable.

- *Shrubs shall be planted at a minimum of 2'6" on center.*
- *All driveways shall provide landscape buffering of at least three (3) feet wide.*
- *All parking areas shall provide landscape buffering of at least four (4) feet wide or solid fence. This shall exclude sight lines.*

The site plans do not indicate a landscape buffer of at least 3 feet in width along the proposed driveway. The applicant should revise the site plans to include a landscaping buffer of at least 3 feet wide or a deviation will be required.

Testimony shall be provided to show conformance with the other items, where applicable.

The applicant should provide testimony to confirm whether any tree removals are proposed. If trees removals are proposed, then the applicant should revise the site plan accordingly. Existing vegetation and trees should be shown on the Landscaping Plan.

The applicant should revise the site plans to include additional plantings along the southern property lines, front of the building and the retaining walls.

The plans should indicate the type of evergreen shrubs proposed for planting.

19. 6.12.G.3: Fences & Walls: Fences and walls shall not exceed three ft. in any front yard or six ft. in any side or rear yard. Walls shall be constructed of stone, brick or any other material that the Board deems to create a positive aesthetic. Chain link fences are prohibited.

Sheet 7 of the site plans contains a shadowbox fence detail. The site plan does not indicate the location of the proposed fence. This discrepancy should be explained and the plans revised accordingly.

The applicant should provide details, including height, of all proposed retaining walls.

G. 6.13: Utilities

1. 6.13.A.1: All utilities (including transformers, HVAC, generators, telecommunication equipment) shall be located in a way that is visually unobtrusive. Utilities shall be placed within the interior of the principal structure if feasible. Otherwise, utilities shall be located to the rear or side of the principal structure where such locations are infeasible inside.

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The applicant is proposing to locate 51 HVAC units, as well as the generator and elevator bulkhead on the roof of the proposed structure. The applicant shall provide testimony, and if necessary, exhibits, at the public hearing that confirm that the rooftop utilities are visually unobtrusive. Testimony should also be provided on proposed screening.

2. 6.13.A.2: Distribution lines for all utility systems shall be placed underground.

The applicant should provide testimony to confirm that all distribution lines for the proposed utility systems are proposed to be placed underground.

3. 6.13.A.3: All easement shall comply with Borough requirements. Exact locations for utility lines and easements shall be established at the time of preliminary site plan approval.

The applicant should provide testimony to confirm whether any easements are proposed. If an easement is proposed than the applicant should testify on its conformance with the Borough requirements.

4. 6.13.A.4: Existing above ground utilities shall be incorporated into the underground systems as improvements are undertaken.

The applicant shall provide testimony in support of the guideline.

5. 6.13.A.5: Cost sharing methodology shall be defined in the redevelopment agreement for each respective parcel....the methodology shall account for any and all previous infrastructure contribution made by the redeveloper related to the implementation of the Redevelopment Plan.

The applicant shall provide testimony in support of the guideline.

6. 6.13.A.6: Remote readers for all utilities...are preferred.

The applicant shall provide testimony on this guideline.

7. 6.13.B & C : Water and Sewer and Stormwater

We defer all water and sewer requirements to the Borough Engineer.

8. 6.13.D: Refuse:
- *Refuse shall not be located in any required front yard or buffer.*
 - *All outdoor refuse shall be visually screened within a durable, non-combustible enclosure, so as not to be visible from adjacent lots or sites, neighboring properties or streets.*

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- *Screening may be accomplished through the use of planting buffers, fences or walls, and shall be high enough to screen these structures.*

The site plans do not indicate the location of a refuse area. The applicant should provide testimony and revise the site plans to include the location, screening, quantity, and details of the refuse area. The refuse area should conform to the Redevelopment Plan requirements.

Testimony should be provided on how garbage and recycling pick up and storage will be handled.

Additionally, the floor plans do not indicate a trash chute or garbage room. Therefore, the applicant should provide testimony on the method of garbage removal for the rooms to a trash enclosure.

Affordable Housing

The proposed 44 unit development includes a 20% affordable housing set-aside. Nine of the units will be affordable to moderate and low income households pursuant to all applicable affordable housing regulations and Court decisions. The affordability component of the proposed development conforms to the Redevelopment Plan requirements; Section 6.14 of the Redevelopment Plan requires that all new multifamily developments of five or more units include a 20% set-aside.

The affordable housing requirement is also contained in the Redeveloper's Agreements. Section 4.07 of the Agreement states that, "(A) Redeveloper has committed nine (9) affordable housing units as part of the Redevelopment Project. Redeveloper further agrees to provide such affordable housing units pursuant to all applicable UHAC regulations, statutes, or otherwise, including but not limited to the regulations of the New Jersey Department of Community Affairs (hereinafter, the "Affordable Housing Laws") Redeveloper shall, at its sole cost and expense, provide such affordable housing units within Caldwell within the time required by the Affordable Housing Laws."

Approval Process

The Borough's Redevelopment Plan describes the process for an application to be heard by the Planning Board for Site Plan approval. As stipulated in Section 7.5 of the Plan, prior to any submission to the Planning Board, the redeveloper shall submit an application package to the Borough Council for review and approval. Pursuant to the Redevelopment Plan, the Council review of the submitted materials is required prior to submitting a Site Plan to the Planning Board and execution of a redevelopment agreement. It is noted that Caldwell Governing Body Resolution #12-253, which designates the Manor at Caldwell as the redeveloper for the subject property states that, "Whereas, the Project is in substantial compliance with the terms of the Redevelopment Plan..."

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The list of items to be submitted to the Council is included in Section 7.5B of the Redevelopment Plan; those items have been submitted for the Site Plan application and all have been reviewed for consistency and completeness with respect to the Redevelopment Plan. All of the required documents contained in Section 7.5B have been submitted. We note in this report where there are deficiencies or instances where more information and/or details are needed with respect to the submitted materials.

General Planning Comments

Recommended plan revisions are included throughout the body of this report. We note the following additional comments on the submitted plans and application materials.

1. The application is for Site Plan approval of a property that is located in a Redevelopment Area.
2. The applicant shall provide testimony on the building height calculations to show conformance with the Redevelopment Plan's height regulations. The recently revised engineering plans include a 1.38 ft. reduction in building height. Testimony should be provided on whether the architectural drawings need to be revised to reflect the height difference.
3. Testimony should be provided on how deliveries to the site will be handled.
4. Testimony should be provided on the entity responsible for snow removal and garbage and recycling pickup.
5. The applicant should provide testimony regarding the route to access the proposed patio area.
6. The applicant should provide testimony and revise the site plans to include all interior and exterior building materials with the make, model, and color.
7. The applicant provided a rendering of the front of the building. We recommend that renderings of the other building sides be provided as well.
8. We defer to the comments from the Caldwell Environmental Commission regarding landscape plantings. We also recommend that applicant explore opportunities for additional landscape plantings exists, both to improve the visual appearance of the development and to provide additional buffering opportunities.
9. The total number of onsite parking spaces should be clarified. The bulk table references 99 parking spaces, but it appears that 97 are proposed (47 on the Ground Level and 50 on the Lower Level).

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10. The front yard setback is calculated as a prevailing setback of all properties within 200 ft and located on the same side of the street and within the same zone district. The applicant should provide the analysis that was used to calculate the required front yard setback of 22.5 ft.
11. The applicant should provide testimony on whether any portion of the roof is proposed as a deck or other recreation area.
12. The total number of electric vehicle parking spaces should be clarified and conformance with the Redevelopment Plan requirements should be explained.
13. The proposed building exceeds 200 ft. in length. The applicant's architect is encouraged to consider and provide testimony on design elements that help to minimize the mass of the building.
14. We recommend that the architectural plans be revised to include a summary table. The table should list the number of units by bedroom distribution for each floor of the proposed building. The number and bedroom allocation of each affordable unit should also be identified by floor.
15. Testimony shall be provided on the proposed location of the affordable apartments, as well as the bedroom and income distribution. The nine affordable units should consist of one (1) one-bedroom unit; three (3) two-bedroom units, and two (2) three-bedroom units. The remaining three affordable units may either be two or three bedroom units.
16. Testimony should also be provided on the income breakdown of the affordable units, both generally and by bedroom distribution.
17. The applicant shall provide testimony that the proposed affordable units will be deed restricted for 30 years.
18. Testimony should be provided on the entity that will be responsible for contracting with an Administrative Agent for marketing and tenant selection of the affordable units.
19. Additional analysis is needed for the fiscal impact statement. At a minimum, a source for the multipliers should be provided. It is assumed that the document, "Who Lives in New Jersey Housing," prepared by the Rutgers Center for Urban Policy Research and dated November 2018 was used, which should be confirmed in the analysis. The analysis should also clarify the table from the Rutgers report from which the multipliers were selected. It is also noted that the fiscal impact analysis does not include any municipal costs in its analysis; this should be explained and further detail may be needed.

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20. Prior to final approval, evidence of all required outside agency approvals or letters of no interest should be submitted to the Board professionals, including, but not limited to:
 - a. Essex County Planning Board;
 - b. Borough Environmental Commission.
 - c. Borough Fire Official
 - d. Borough Traffic Safety Division; and,
 - e. Any and all agencies having jurisdiction over this application.
21. We defer to the Board Engineer regarding grading, drainage, and utilities.
22. Prior to final approval, the applicant shall address all required Borough fees, permits, and required approvals.

J. Materials Reviewed

1. Borough of Caldwell Planning Board Application, consisting of 15 pages, dated December 13, 2022;
2. Caldwell Borough Council Resolution #12-253 adopted on December 6, 2022;
3. Borough of Caldwell Redevelopment Plan prepared by Philip A. Abramson, AICP/PP, Leigh Ann Hindenland, AICP/PP, and Golda Speyer, AICP/PP of Topology LLC., consisting of 54 pages, adopted December 15, 2020, last amended November 2021;
4. Traffic Impact Study prepared by Joseph Staigar Engineering, LLC, dated November 27, 2022;
5. The Manor at Caldwell Fiscal Impact Statement prepared by Jeffrey Stiles, AICP/PP, dated November 21, 2022;
6. Redevelopment Agreement for A Portion of the Redevelopment Area in the Borough of Caldwell, Essex County, New Jersey, consisting of 54 pages, dated December 12, 2022;
7. 26-30 Lane Avenue Architectural Renderings, consisting of one (1) sheet, unauthored and undated
8. Preliminary and Final Site Plans for The Manor at Caldwell Block 41, Lot 7 prepared by Patrick D. McClellan PE. of MCB Engineering Associates, LLC., consisting of nine (9) sheets, dated November 28, 2022, and revised to February 2, 2023.

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9. Architectural Drawings of The Manor at Caldwell Block 41, Lot 7 prepared by Stephen Corso, Architect LLC., consisting of four (4) sheets, dated October 3, 2022. These plans are neither signed nor sealed.

H. **Applicant's Team**

1. Subject Property Owner and Applicant: Landmark Real Estate Developers, LLC., 8 Orchard Square, Caldwell, NJ 07006
2. Applicant's Attorney: Thomas P. Scriver, Esq., 14 Village Park Road, Cedar Grove, NJ 07009. Telephone: 973-239-5700.
3. Applicant's Engineer: Patrick D. McClellan, P.E., 11 Furler Street, Totowa, NJ 07512, Telephone: 973-812-6680.
4. Applicant's Planning Consultant: Jeffrey Stiles, P.P., 220 Headquarters Plaza, West Tower, 2nd Floor, Morristown, NJ 07960, Telephone: 201-602-0865.
5. Applicant's Traffic Engineer: Joseph Staiger, P.E., 17 Tremont Drive, East Hanover, NJ 07936, Telephone: 973-585-7102
6. Applicant's Architect: Steven Corso, R.A., 676 Bloomfield Avenue #1, Bloomfield, NJ 07003, Telephone: 973-566-6004.

Should you have any questions, please do not hesitate to contact us.

Sincerely,



CAROLINE Z. REITER, PP, AICP
CALDWELL INTERIM BOARD PLANNER
T&M PLANNING GROUP MANAGER