

**BOROUGH OF CALDWELL
SPECIAL BUSINESS/CONFERENCE MEETING
MINUTES- April 3, 2021**

The Special Council Business Meeting of the Borough Council of the Borough of Caldwell was called to order via Zoom Meetings at 2:00PM.

PRESENT: Mayor Kelley, Council President Schmidt, Councilman Rodgers, Councilman Lace, Councilwoman DePalma-Iozzi, and Councilman Gates.

ALSO PRESENT: Borough Administrator Tom Banker and Deputy Clerk Kim Conlon

ABSENT: Councilman Cole

STATEMENT OF COMPLIANCE

Adequate notice of this Special Council Business/Conference Meeting was given on March 31, 2021. Notice was posted on the bulletin board on the first floor of the Borough Hall, One Provost Square, Caldwell, New Jersey. Official newspapers of the Borough were notified of this meeting by mail. Notice was posted and all persons requesting notice were sent same.

PLEDGE OF ALLEGIANCE

OPEN PUBLIC MEETING-OPEN TO PUBLIC

OPEN PUBLIC DISCUSSION OF THE LANE AVENUE REDEVELOPMENT PROPOSAL consisting of the properties located at 4 Lane Avenue, 12 Lane Avenue, 14 Lane Avenue, and 18 Lane Avenue in the Borough of Caldwell.

Mayor Kelley provided comments regarding the Lane Avenue Proposal and relevant background information:

- *The goals of the current Borough of Caldwell Governing Body are to provide public safety, offer health and community services, increase the tax base to keep taxes stable, and to encourage investment in Caldwell's Downtown Area and increase customer traffic.*
- *The current administration has inherited problems such as a Builder's Remedy Lawsuit and Affordable Housing Obligations. Creating a Redevelopment Plan allows the Borough of Caldwell to have control over the growth in commercial zones, while adhering to it's COAH Obligations. The process allows Caldwell to enter into redevelopment agreements that aid in addressing concerns such as impacts on traffic and stormwater issues.*
- *Some concerns have been raised regarding the Sewer Treatment Plant's ability to accommodate a new development. Caldwell's Treatment Plant is currently operating under capacity.*

Council President Schmidt provided comments regarding the Lane Avenue Project:

- *The Borough of Caldwell Mayor and Council have been listening to all public comments regarding the Lane Avenue Project. The Borough has inherited infrastructure issues, a crumbling downtown, and affordable housing mandates. In September 2019, the Caldwell downtown was designated as an area in need of rehabilitation. In December 2020, the Borough of Caldwell approved a Redevelopment Plan. The Lane Avenue site offers large parcels of land for development, in accordance with the Borough's Redevelopment Plan.*
- *Tax revenues are how the Borough of Caldwell pays its bills. Costs continue to increase, while the town's tax base stays stagnant. The solution becomes one of three options: cut services provided, raise taxes, or increase revenue. West Caldwell does not fully rely on residential tax revenues.*

Councilwoman DePalma-Iozzi offered her comments regarding the Lane Avenue Proposal:

- *Every town has an affordable housing obligation and a timeline. The Borough of Caldwell was faced with a Builder's Remedy Lawsuit. For every 100 new units built, 20 must be affordable housing. The Redevelopment Plan allows the Borough of Caldwell to have some control.*
- *Many residents opposed the building of Calandra's Italian Village when the project was proposed, but now residents enjoy having Calandra's in town.*
- *As a Councilwoman, her job is to make decisions that create "the greatest good for all". She stated that she will always put the needs and obligations of the Borough of Caldwell first.*

Councilman Gates added some comments regarding the Lane Avenue Proposal:

- *The Council understands the concerns of the Lane Avenue Proposal and the effects that the complex has on the community and town. Within the same block, there are multi-story complexes that have been here for a significant amount of time.*
- *Councilman Gates stated that 51% of Caldwell residences are owner-occupied, whereas in West Caldwell, 86% are owner-occupied. Caldwell already has a large rental community. Having more rental properties will increase demand for residences in Caldwell.*
- *12 Lane Avenue was zoned as a two-family home but has been utilized as a 4-family residence. Councilman Gates stated that the tax assessor confirmed that the property has been assessed as a 4-family residence, but he is still in the process of collecting information.*

The Mayor responded by stating that a notice was sent to the developer regarding 12 Lane Avenue. The builder was notified that he must apply for a Certificate of Continued Occupancy to address the issue.

The Borough Administrator offered his thoughts regarding the Lane Avenue Proposal:

- *Mr. Banker reiterated that Caldwell has multiple goals, as outlined by the Mayor.*
- *Caldwell is different than other neighboring West Essex towns. Caldwell is three times as dense as West Caldwell, is more diverse, and offers a larger rental population.*
- *The Redevelopment Plan focuses on the goals, not the process. The Borough Council can make adjustments to the process.*

The Mayor addressed several questions that were submitted on line regarding the Lane Avenue Proposal:

- Was S & S Caldwell Village fully disclosed as the developer for the property before an agreement was made between the developer and the Town Council?

The Mayor stated that an agreement has not been approved yet and that yes, the developer's information was fully disclosed.

- When was the sale of the properties at 14 Lane Avenue and 18 Lane Avenue?

The Mayor stated that the Essex County Hall of Records would have that information.

- Does this development satisfy the Borough's COAH obligations, according to the Builder's Remedy Lawsuit?

Mr. Banker stated that the Borough would still have approximately an unmet obligation of an additional 61 affordable housing units.

- Why was the property assessed across all four lots?

The Mayor stated that all four properties combine to total approximately 3 acres.

- Why is the town considering a developer that is in violation of Caldwell's Zoning Ordinances?

The Mayor stated that the issue with regard to 12 Lane Avenue is being addressed and that the assembling of the 4 lots was a decision of the builder.

- Will traffic issues be addressed and designated areas for loading and unloading?

The Mayor stated that the Planning Board would address those issues when they were presented with the Lane Avenue Application.

- Who will be responsible for the maintenance and annual inspection of the stormwater management systems?

The Mayor informed the public that the developer will be responsible for those costs, as part of the Redevelopment Agreement.

- How will garbage and snow removal for the Lane Avenue Property be addressed?

Mayor Kelley stated that garbage and snow removal issues will be addressed by the Planning Board.

- Does the Borough of Caldwell Governing Body have discretion with regard to the density of the proposed development?

The Mayor stated that the Mayor and Council have discretion to amend the plan.

OPEN PUBLIC COMMENTS ON THE LANE AVENUE PROPOSAL

Sarah Solie, 94 Westville Avenue asked after construction of this project, how much farther does Caldwell go to expand the tax base and what would the approximate taxes paid be for this development?

The Mayor replied that there are some sites downtown for possible redevelopment.

Mr. Banker stated that no formal analysis has been made with the tax assessor. The property will be valued at approximately \$20,000,000, 2-2.5 % will be taxable, to be distributed between the town, the county and the schools.

Mary Champion, 53 Arlington Avenue asked that if the town's 3 options are to raise taxes, increase the tax base, or limit services, can the residents have a guarantee that if this project moves forward, the taxes for Caldwell residents will not increase, and can the development be designated as a 55 or older community?

The Mayor stated that there can be no guarantees with regard to taxes.

Councilman Gates replied that there are limits to how many age- restricted affordable housing units that Caldwell is allowed to have.

Sue and Jimmy Rizzo, 60 Lane Avenue inquired about the proposed installation of sidewalks and how it would impact their property?

The Mayor stated that it would be no different than any other sidewalk installation and that the County would also be involved since Lane Avenue is a County Road. More information would be provided when the Applicant appears before the Planning Board.

Andy Brown, Birkendene Road stated that stating that 51% of the residents in Caldwell are renters does not provide the full picture, and does not include the percentage of owner-occupied two-family residences. She stated that owners have a vested interest in the property and the community.

Councilman Gates stated that he was trying to demonstrate that Caldwell already has a significant rental population.

Amanda Dilger, father resides on Holiday Drive in West Caldwell, expressed her concern regarding public health issues since the development will be taking away green space. With 110 new occupants, plus their vehicles, there will be more pollution.

Councilwoman DePalma-Iozzi responded by stating that the Caldwell Environmental Commission is involved with the proposal and is aware of environmental issues. A possibility would be to require a carbon sink to help absorb pollution.

Council President Schmidt added that the Borough will be requiring bike racks and electric car charging stations as part of the agreement.

Frank Godlewski, 249 Runnymede Road, Essex Fells stated that he was excited about the Caldwell Redevelopment Plan, as it will increase the value of his property, however was concerned that the history of the property of 14 Lane Avenue would be lost.

Council President Schmidt informed Mr. Godlewski that the 14 Lane Avenue property and its history was discussed at the March 23rd Council Meeting. The builder has been asked to honor the history of that location.

Carrie Reinhardt, 8 Klimback Court, West Caldwell expressed concern regarding the number of units proposed for the project. She stated that Klimback Court has had stormwater runoff issues with the property on the corner of Lane Avenue and Bloomfield Avenue, as well as Magnolia Court. Many of her neighbors have 2-3 sump pumps in their basements and backyards to help drain the water. In addition, she mentioned that, in her opinion, the Traffic Study completed did not provide accurate data since the study was conducted over a holiday weekend in 2015.

Elizabeth Brown, 53 Ravine Avenue asked if there is a way that the town can meet its COAH obligations elsewhere? Is it possible to explore shared services with neighboring towns to cut costs?

Councilman Gates provided that the Caldwell Governing Body had issued request to residents for ideas/solutions on how the town could meet their affordable housing obligations before adopting the Redevelopment Plan.

Council President Schmidt stated that the COAH numbers are assigned by an Affordable Housing Judge and that every town must meet their obligation.

Lori DePalma, 54 Holiday Drive, West Caldwell, asked how will all the additional children in the schools be accommodated with Jefferson School already being overcrowded?

The Mayor referred to a Board of Education Study that indicated a 1% growth rate in school population from 2014-2015 to 2020 and a projected growth in population for 2021- 2024/2025 of 3%, to illustrate that there is no anticipation of a large growth in student population.

Mike Rubin, 77 Brookside Avenue asked when the Mayor and Council had begun discussions with Mr. Meka with regard to acquiring Mr. Cimera's properties? Mr. Rubin stated that Mr. Banker had discussed the intent of the Lane Avenue Plan was to permit the merger of three lots.

Mayor Kelley stated that the Redevelopment Plan was meant to encourage developers to assemble lots. Mr. Banker reported that the plan contemplated the idea that a developer could take advantage of the plan to allow for higher density at that site, but when stated, there was no particular developer in mind.

Mr. Rubin asked the Council if on December 15, 2020 when they voted to adopt a Redevelopment Plan, they had no idea that Mr. Meka was planning on proposing a plan to develop all these units?

The Mayor affirmed that they were not aware of Mr. Meka's proposal at that time.

Gregory Garden, Prospect Street encouraged the governing body to explore the "true downtown" area in implementing the Redevelopment Plan and inquired about the possibility of outsourcing for shared services.

The Mayor stated that the Borough had tried to pursue shared services with West Caldwell but were unsuccessful. He explained that the Borough of Caldwell had been able to cut their police budget through attrition.

Bernie McGovern, 52 Gould Place inquired how long before the town receives taxes from this new development? Mr. Banker replied that since there is at least a 12-15-month construction plan, it would be at least two years.

Allyse Freid, 12 Klimback Court, West Caldwell asked if other developments in town were required to offer affordable housing? Ms. Freid stated that in her opinion, developers are allowed to maximize their profits, which does not respect the residents who live on side streets to Bloomfield Avenue, as the commercial areas are expanded.

Mayor Kelley stated that the town does have some control over the process.

Chris Elko, 52 Memorial Road, West Caldwell referred to the Board of Education Study. The end result of the study indicated that more space in the schools was going to be required even without additional development and that the overflow of children in this proposed development would be absorbed by Jefferson School. He asked the governing body if there were payments in lieu of taxes or an enrollment report for sidewalks, crossing guards, and other expenses?

Councilman Lace indicated that he had requested a Fiscal Impact Statement to analyze before voting issues such as the impact on the tax base, impact to municipal services, and the impact to schools.

Council President Schmidt clarified the proposed number of the units for the proposal as the following: 64 one-bedroom units, 31 two-bedroom units, and 3 three-bedroom units.

Barbara Solomon, 16 Klimback Court, West Caldwell asked if the number of units will be downgraded if the Caldwell Planning Board has issues with emergency accessibility and snow removal?

Council President Schmidt stated that with the number of units, the standard legal requirement of 20% will be affordable housing.

Councilwoman DePalma-Iozzi stated that Harrison School can reutilize some of their rooms to be classrooms.

The Mayor stated that if there are unresolved issues after the Applicant appears before the Planning Board, the matter will return to the Mayor and Council.

Brian Peterson, Klimback Court, West Caldwell stated that the focus should be increasing the tax base by redeveloping the commercial area of Bloomfield Avenue with buildings that combine retail space and residential space. He expressed his concern about stormwater runoff since the water table is high on Lane Avenue, demonstrated by visible ground seepage on Klimback Court. Additionally, he felt that the Traffic Study conducted was flawed.

Christine Corliss, 72 Smull Avenue asked how many more redevelopment projects have been proposed?

The Mayor indicated that many of the proposed development projects in Caldwell were part of a Builder's Remedy Lawsuit.

Councilman Gates explained that the Borough of Caldwell's obligation is for 86 affordable housing units. If this proposal moves forward, the Borough is still left with an obligation of 45 affordable housing units. If the town does not meet this obligation, more Builder's Remedy Lawsuits will be filed and the Borough will have no control.

Councilman Lace stated that there is no plan to build a 9-story building, and explained that the Mayor and Council did contract with an architectural firm to explore different options.

Marie Lanfrank, 14 Cleveland Street asked for more details regarding the aforementioned Fiscal Impact Report.

Councilman Lace responded that a Fiscal Impact Report was requested.

Stephen Brown, 58 Gould Place stated that based on the unmet COAH obligation numbers, Caldwell would need 250 more units to have approximately 50 more affordable housing units, based on the 20% guidelines. He asked if 20% is the minimum and if the estimated tax revenue for the property would be \$500,000, with roughly ½ going to the Board of Education, and the remaining half split between the County and Caldwell?

Mr. Banker affirmed that was the case.

Mr. Brown asked if each student cost the town in expenses roughly \$20,000-\$25,000?

Mr. Banker stated that each student should not be designated with a price tag.

Julio Martinez, 57 Holiday Drive inquired if the developer would consider using the first floor of the complex for college dorms or early education facilities? In addition, he asked if the developer could use permeable pavement to decrease impervious coverage?

Councilwoman DePalma-Iozzi stated that the Environmental Commission encourages the use of green infrastructure and that a checklist was provided to the builder.

Carolyn Byrne, 72 Westville Avenue expressed her concern over the increase in traffic, with an already congested street. She stated that, in her opinion, the Traffic Study was not a fair assessment and that adding a development on Lane Avenue would not increase the number of shoppers patronizing the businesses in town.

John Irwin, 17 Highview Road asked the governing body if any studies had been done on property values and if any evaluation had been done to the safety of the retaining walls proposed along the rear properties on Highview Road since many of the schoolchildren walk along the backs of the yards?

Council President Schmidt stated that a possible solution might be to create a waling path on Highview Road.

Mr. Irwin stated that he could not speak for his neighbors and their thoughts on a walking path.

Councilman Gates stated that unfortunately, the properties across the street from the complex would probably see a decrease in their property value.

Ed Glasspool, 21 Highview Road expressed his thoughts that the goals of the governing body were mentioned but no information regarding protecting the residents. He asked what protections the town is offering if they have issues in their backyards from construction?

Mayor Kelley stated that the builder has expressed a willingness to offer protections, with regard to buffers and screens for adjacent property owners.

Bernadette and Charles Alberta, 15 Lane Avenue, West Caldwell encouraged the Mayor and Council to use their discretion and prioritize what is in the best interests of the community and not the developer. He stated that he believes the process was expedited, in violation of protocol. He asked the governing body if there were aware of who S & S Caldwell Village was at the time of passing the Resolution on March 9, 2021?

Council President Schmidt and the Mayor both affirmed that they were given plans to review before the meeting.

Mr. Alberta expressed his concern that if the governing body passes by Resolution an agreement to develop the property with the builder, and then issues materialize when the Applicant appears before the Planning Board, it will be difficult to retract the agreement.

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The Mayor stated that in that scenario, the Applicant would be referred back to the Mayor and Council. The agreement with the developer is contingent on fulfillment and compliance of all aspects in question and upon the Planning Board's Review.

Councilman Lace stated that he did receive materials regarding the proposal prior to the March 9, 2021 Council Meeting, but that he had not been aware that property had transferred from Mr. Címera to Mr. Meka.

David Cowell, 29 Brookside Ave stated that the Borough's Ordinance with regard to ancient or historic houses only refers to exteriors, and that historic properties can be moved or incorporated into new structures. There are multiple ideas and uses that would work for the 14 Lane Avenue property.

There being no additional business to be conducted, a motion to adjourn the meeting was made by Councilman Lace, seconded by Council President Schmidt, and unanimously affirmed by all members present.
The meeting adjourned at 4:33 PM.

Prepared by:

Kim Conlon
Kim Conlon, Deputy Borough Clerk

April 21, 2021
DATE