

**BOROUGH OF CALDWELL
SPECIAL BUSINESS/CONFERENCE MEETING
MINUTES- June 29, 2021**

The Special Council Business Meeting of the Borough Council of the Borough of Caldwell was called to order via Zoom Meetings at 7:17pm.

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

ABSENT: Councilman Lace

ALSO PRESENT: Borough Administrator Tom Banker, Borough Attorney Vince Nuzzi, Deputy Clerk Kim Conlon, and Deputy Clerk Brittany Heun

STATEMENT OF COMPLIANCE

Adequate notice of this Special Council Business/Conference Meeting was given on June 25, 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

APPROVAL OF MINUTES

June 22, 2021

Moved by Councilman Rodgers and seconded by Council President Schmidt. Upon a roll call vote, all voted in the affirmative. Minutes approved on 6/29/2021

OPEN PUBLIC MEETING-OPEN TO PUBLIC

Vince read a statement on behalf of Councilman Lace and Councilman Gates who have recused themselves from voting on the Lane Avenue Project.

A motion to consider the items in the consent agenda separately was made by Council President Schmidt and seconded by Councilman Cole. Upon a voice vote, all voted in the affirmative. Motion passed 6/29/2021

Charles Alberta, 15 Lane Avenue, W. Caldwell - Why was the presentation that was on the agenda from last week, taken off and not carried to this week? Councilman Lace and Cole received donations from Skender Meka when campaigning. The traffic study and fiscal analysis were only posted this afternoon, and I think it is prudent to have the public review the material as well as the council and then have the opportunity to present their opinions to the council. There shouldn't be a vote on Lane Avenue tonight. Does not believe this is following proper protocols and the Council is rushing through this.

Mayor Kelley, the meeting on the 22nd was a long meeting, and to save time the presentations were pulled from the agenda. There was a presentation on S&S previously so there was not a need to do another one. The Council received these documents over the last month and have spent a lot of time reviewing the material

Ann Marchioni, 85 Brookside Ave - Thanked the Mayor and Council for reconsidering the Green Acres resolution and allowing the EC to apply for the Open Space

Michelle Bonanno, 5 Klimback Court, W. Caldwell- there have been a lot of accidents on Lane Avenue over the last few weeks. There was a massive pot hole on lane in front of the development site, which probably didn't help. Lane is such a busy road and it doesn't make sense that there are only 40 cars traveling on the road at that time. All of the meetings around this property have been around holidays which doesn't seem fair for the public. Hopes that there are no more accidents caused by this project.

Brian Zaorski, 13 Lane Ave, W. Caldwell - we live right in front of the property that on Lane Ave. The building was being taken down while it was infected with asbestos, and it was not done properly. Children were walking down the street past that site breathing in this dirty air. The construction left a massive hole on the street, that made it hard for us to even get out of our driveway. West Caldwell is affected by this as well, and they should be taken into consideration.

Mayor Kelley said that the Construction Official, Paul Milano did oversee that to make sure all protocols were followed.

RESOLUTIONS - CONSENT AGENDA

6-161 RESOLUTION AUTHORIZING AN EXECUTIVE SESSION FROM WHICH THE PUBLIC IS EXCLUDED For the Meeting of June 29, 2021

A motion to remove Resolution 6-161 from the agenda was made by Councilman Cole and seconded by Council President Schmidt. No discussion. Upon a roll call vote, all voted in the affirmative. Resolution pulled 6/29/2021

6-162 STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION GREEN ACRES ENABLING RESOLUTION

A motion to open public hearing and discussion on Resolution 6-162 was made by Council President Schmidt and seconded by Councilman Gates.

Linda Glosinski - Land Conservancy Representative

- Worked with the Borough on the Personette project
- Working on completing the application, and this resolution will make that complete.
- Hearing notice was published in the Progress

Opened for public comment:

Ann Marchioni - Thinks this a wonderful opportunity to add land to our open space.

A Motion to close the public hearing and adopt resolution 6-162 was made by Council President Schmidt and seconded by Councilman Gates. Upon a roll call vote, all voted in the affirmative. Resolution passed 6/29/2021.

6-163 RESOLUTION DESIGNATING S&S CALDWELL VILLAGE, LLC AS REDEVELOPER FOR A REDEVELOPMENT PROJECT TO BE LOCATED ON LOTS 2, 3, 3.01, & 4 IN BLOCK 41 IN THE BOROUGH OF CALDWELL, NJ AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT BETWEEN S&S AND THE BOROUGH REGARDING THAT PROJECT

A motion to place resolution 6-163 in front of the Council for consideration was made by Council President Schmidt and seconded by Councilman Cole.

Councilman Gates has removed himself from the meeting

Golda Speyer- Licensed Planner with Topology and co-author of the redevelopment plan

- Originally a 98-apartment unit
 - Asked for the applicant to clarify if it is 98 or 96 units in the main structure
- Parking has been amended. Parking numbers have been reduced
- Some design changes have been made in the individual units
- The retaining walls have come down to about 6ft.
- Some amenities space has been reduced and been replaced partly by a interior courtyard. There are 4 units that will be affected and we did have concerns with privacy, light, and air quality
- 4th story set back deviation in the report can be dismissed
- Any design concerns
 - No dens get illegally converted to a bed room
 - Any windows within 8ft of each other so there are no privacy concerns

The resolution allows the S&S to proceed to site plan application and review. If they do not satisfy the concerns brought up by Topology, they will not be able to proceed. All concerns from Beckmeyer Engineering and Topology must be satisfied before project can go forward with construction.

Council President Schmidt:

- Happy with the revisions that have been submitted
- Hopes that the Storm water will satisfy the Borough Engineers review.
- Doesn't like the fact that these lots have all been combines, and would like be something in writing that won't allow this property to be subdivided in the future.

Councilman Cole:

- Light pollution
 - Golda- we do take a closer look at the foot candles at the Planner Board level.
 - Tom Banker- asked Golda if the revised plan dramatically reduced the light pollution
 - Golda- we did comment on the light pollution in our report, but a further review of the lighting plan will be done when it is at the Planning Level

Mayor Kelley asked if the applicant's representative would address the room number change, brought up by topology

Tom Scrivo - applicant's attorney

- Thanked the Mayor, Council, and professionals for all of their comments
- There are still 98 units. Due to a drafting error where 2 door entries were left out, it looks like 96.
 - Golda asked if the traffic report is still accurate
 - Mr. Scrivo said yes, there is no change to that

Councilwoman DePalma-Iozzi:

- Traffic - could there be some provisions during certain hours, where exiting in the morning can be right turn only?

- Golda - that is something that can be addressed and maybe worked in during the planning board stage.
- Tom Banker would suggest that be done fact based after the building has been built
- In any new construction, we should encourage if not require solar paneling where it can be done.
 - Golda - the redevelopment can't mandate that
 - Tom Banker - the redevelopment plan already requires that the developer must follow the green requirements outlined in the plan. The project will have to meet the green requirements
- Do The 4 units mentioned not have windows?
 - Interior courtyard is providing a light shaft. Those units will be getting less light, but it is a legal requirement for units to have windows which they do. They have outdoor facade windows
 - Tom Banker- The exact dimensions of the windows will be addressed at the Planning board level, and are a condition of this project moving forward.
 - Councilwoman DePalma-lozzi asked if those units will be a part of the affordable housing
 - Tom Banker said that they would not be able to be designated as affordable housing

A motion to adopt resolution 6-163 was made by Councilman Rodgers and seconded by Council President Schmidt. No Discussion. Upon a roll call votes all voted in the affirmative. Councilman Gates recused himself from the vote. Resolution passed 6/29/2021.

6-164 RESOLUTION DESIGNATING MEJIA PROPERTIES, LLC AS REDEVELOPER FOR A REDEVELOPMENT PROJECT TO BE LOCATED ON LOT 9.02 IN BLOCK 23 IN THE BOROUGH OF CALDWELL NJ, AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT BETWEEN MEJIA AND THE BOROUGH REGARDING THAT PROJECT

Councilman Rodgers left the meeting 8:19pm. Councilman Gates returned to the meeting at 8:19pm.

A motion to open up the meeting for Council Discussion was made by Councilwoman DePalma-lozzi and seconded by Councilman Gates.

Golda Speyer:

- Convert ground floor space which is currently a dentist office, and use it for retail space for their bike shop
- Front Ada ramp has been relocated to the side yard instead of the front porch. Front Porch will be 411ft. 4 striped spaces in the back
- Increase glazing in the window
- No changes to the second floor
- Front yard setback is now at 23.3 ft which is more conforming than originally planned, but it is still an existing non-conforming set back
- Prior plan showed some A/C units on the side, which will now be located in the back to accommodate the handicap ramp.
- Impervious coverage is previously non-conforming at 83.3%
- Parking layout has not changed
- The ramp is needed to make this building ADA accessible, which it will not be without the ramp.
- Borough Engineer will review the storm water plan at the Planning Board stage of the application.
- Have provided a parking and loading report that addresses logistics with the parking. At the Planning Board level, the engineer will review that as well
- Minor design aspects, such a bicycle parking, lighting, etc. may be described at the Planning Board level

Michael Bonner: Applicant's Attorney

- Applicant has hired professionals to do all of the construction work and design work

Transactional Attorney - David Sherman

- Applicant is not anticipating incurring any additional fees.
- This building will look pretty much the same, just the design layout will fit the use of the store
- Will do whatever is needed to address any compliance issues with the Redevelopment plan or agreement

Oscar Mejia - applicant

- Thanked the Mayor and Council for this opportunity

Council President Schmidt:

- Very excited to have Bike land on Park Avenue
- On behalf of the signage committee just ask that there are no tall signs on Park Ave like there is on Bloomfield Ave
- Sharrows will be a nice way for customers to travel to the store via bikes now

Councilman Gates:

- Asked if the ramp moving to the side, will narrow the driveway
 - Golda confirmed that the ramp is on the opposite side of the driveway
 - Asked how the A/C units are affecting the parking spots
 - Mr. Bonner said that this plan will have the same physical space, but it will include an ADA compliant space this time

Mayor Kelley asked if a Variance is being required to address the reduction of parking spaces

- Golda - a variance is required because there are 5 required spaces and 4 proposed. This will be further addressed at the Planning Board stage as well
- Tom Banker - in conversation to get more public parking space behind the building

Councilman Gates:

- Just concerned about the resident upstairs and store staff taking up all 4 spots
 - Council President Schmidt reminded that there is ample street parking on Park Ave as well
 - Mr. Bonner said that most of the parking traffic will be for quick bike drop off or pick up appointments
 - Mr. Sherman pointed out that on page 3 of the stone field report does address. 5 spots

A motion to close discussion and adopt Resolution 6-154 was made by Council President Schmidt and seconded by Councilman Gates. No discussion. Upon a roll call vote, all voted in the affirmative. Motion passed 6/29/2021.

There being no additional business to be conducted, a motion to adjourn the meeting was made by Councilwoman DePalma-Iozzi and seconded by Council President Schmidt. Upon a voice vote, all voted in the affirmative. The meeting adjourned at 8:49 PM.

Prepared by: Brittany Heun
Brittany Heun, Deputy Borough Clerk

7/19/2021
DATE