

**Borough of Caldwell
Planning Board
March 10, 2021
Minutes**

The Planning Board was called to order by Mr. Mescia at 7:05PM via Zoom Meetings.

OATH OF OFFICE

The Oath of Office was administered to Mr. Brian Banaszynski by Mr. Trembulak.

STATEMENT OF COMPLIANCE

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Kelley, Mr. Sandor, Councilman Rodgers, Mr. Mihalik, Mr. Gardner, Mr. MCGowan, Mr. Byrne, Mr. Mescia, Mr. Banaszynski, Mr. Trembulak, Board Attorney, and Mr. Beckmeyer, Board Engineer.

No Absentees.

APPROVAL OF MINUTES:

The public minutes of January 13, 2021 were approved.

Motion to approve the Minutes was made by Mr. Byrne and seconded by Mr. Sandor.

ANNOUNCEMENT:

An announcement was made by Mr. Trembulak of the postponement of Application P21-001, S & S Caldwell Village LLC, 14 Lane Avenue, 18 Lane Avenue, 12 Lane Avenue, and 4 Lane Avenue until a Special Planning Board Meeting, scheduled for 7:00PM Wednesday, March 24th, Via Zoom Meetings. He stated that No Further Notice would be required by the Applicant.

DISCUSSION OF RESOLUTION AND ORDINANCES:

The following Resolution and Ordinances were presented to the Board:

Borough Ordinance No. 1398-21 Ordinance of the Borough Addressing the Requirements of the Fair Share Housing Act and the Uniform Housing Affordability Controls (UHAC) Regarding Compliance with the Borough's Affordable Housing Obligations.

Borough Ordinance No. 1399-21 Ordinance Adding Section 31 to Chapter 250 (Zoning) of Borough Code, which will be entitled "Affordable Housing Mandatory Set-Aside".

Borough Ordinance No. 1400-21 Ordinance Adding Chapter 252 "Development Fees" of the Borough of Caldwell, to Provide for the Collection of Development Fees in Support of Affordable Housing as Permitted by the New Jersey Fair Housing Act.

Resolution No. 01-2021 Resolution of the Planning Board of the Borough of Caldwell Adopting a Housing Element and Fair Share Plan.

Mr. Trembulak provided an outline of the responsibility of the Planning Board with regard to the above-mentioned Ordinances and Resolution as determining if the proposed Ordinances and Resolution are consistent with the Master Plan of the Borough of Caldwell.

A Presentation was given by Golda Speyer from Topology, with assistance from Michael Edwards, Affordable Housing Legal Counsel for the Borough of Caldwell:

- COAH compliance is overseen by the Essex County Courts.
- The proposed Ordinances and Resolution aid in providing protection for the Borough of Caldwell from Builder's Remedy Lawsuits and helps the municipality fulfill its Affordable Housing Obligations.
- In designing a Housing Plan for a municipality, the following factors are considered: demographic analysis (population, average incomes), housing stock, inventory of substandard housing, and projected housing characteristics.
- Fair Share Compliance consists of three components: Prior Round Obligation (housing needs determined from 1987-1999. Caldwell's was designated as zero during this time frame), Present Need/Rehab Obligation (Determined by designated Court Planner or "Special Master"), and Round Three New Construction Obligation (Caldwell's plans address 25 of the necessary 86 credits, but there is an opportunity to ask for a waiver for the additional 61 credits, however, in doing so, it will increase Caldwell's constitutional obligation for next round).
- A portion of the affordable housing must be low income, very low income, and moderate income.

Mr. Gardner and Mr. Sandor discussed the need for very low-income housing in Caldwell.

Mr. Mescia left the meeting and Mr. Byrne took over as Chairman for the remainder of the meeting.

OPEN TO THE PUBLIC

Brian Zaorski, resident of West Caldwell expressed concern with adding additional residential property complexes in town while the water and sewer systems are overwhelmed. He asked if water and sewer studies would be done?

Ms. Speyer replied that with regard to Housing Plans, access to water and sewer utilities is considered.

Mr. Edwards reiterated that all proposed redevelopment applications will go before the Mayor and Council and studies will be conducted.

Ed Glasspool, 21 Highview Avenue had a question regarding the Lane Avenue Properties Application. He was asked to hold his question until the March 24th Special Meeting.

VOTE ON ORDINANCES AND RESOLUTION

Mr. McGowan made a motion to approve Resolution No. 01-2021, seconded by Councilman Rodgers

Mayor Kelley	yes	
Mr. Sandor	yes	
Councilman Rodgers	yes	
Mr. Mihalik	(unable to vote due to technical difficulties)	
Mr. Gardner	yes	
Mr. McGowan	yes	
Mr. Byrne	yes	
Mr. Mescia	(absent at time of vote)	
Mr. Banazynski	yes	7-0-0

Councilman Rodgers made a motion to approve Borough Ordinance No. 1398-21, seconded by Mayor Kelley

Mayor Kelley	yes	
Mr. Sandor	yes	
Councilman Rodgers.	yes	
Mr. Mihalik	(unable to vote due to technical difficulties)	
Mr. Gardner	yes	
Mr. McGowan	yes	
Mr. Byrne	yes	
Mr. Mescia	(absent at time of vote)	
Mr. Banazynski	yes	7-0-0

Councilman Rodgers made a motion to approve Borough Ordinance No. 1399-21, seconded by Mr. Sandor

Mayor Kelley	yes	
Mr. Sandor	yes	
Councilman Rodgers	yes	
Mr. Mihalik	(unable to vote due to technical difficulties)	
Mr. Gardner	yes	
Mr. McGowan	yes	
Mr. Byrne	yes	
Mr. Mescia	(absent at the time of vote)	
Mr. Banazynski	yes	7-0-0

Mr. McGowan made a motion to approve Borough Ordinance No. 1400-21, seconded by Councilman Rodgers

Mayor Kelley	yes	
Mr. Sandor	yes	
Councilman Rodgers.	yes	
Mr. Mihalik	(unable to vote due to technical difficulties)	
Mr. Gardner	yes	
Mr. McGowan	yes	
Mr. Byrne	yes	
Mr. Mescia	(absent at the time of vote)	
Mr. Banazynski	yes	7-0-0

Mr. Gardner made a motion to adjourn the meeting, seconded by Mr. Sandor.

The meeting adjourned at 8:34PM

Respectfully Submitted

Kim Conlon
Planning Board Secretary