

**BOROUGH OF CALDWELL
PLANNING BOARD
October 7, 2020
Minutes**

The Planning Board was called to order by Mr. Gardner at 7:32PM.

OATH OF OFFICE: Administered by Mr. Cosgrove to Mayor Kelley.

ROLL CALL: Mayor Kelley, Mr. Gardner, Councilman Rodgers, Mr. Mihalik, Ms. Finnegan, Ms. Martin, and Mr. McGowan

PRESENT: Robert Cosgrove, Esq. and Glenn Beckmeyer

ABSENT: Mr. Sandor, Mr. Byrne, and Mr. Mescia

STATEMENT OF COMPLIANCE: The statement of compliance with the Open Public Meetings Act was read.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

The public minutes of September 9, 2020 were approved.

NEW BUSINESS:

Application P20-001, 80 Roseland Ave LLC, 80 Roseland Avenue, Block 56, Lots 10.14 & 18.01
Preliminary Site Plan Approval, Final Site Plan Approval & Variance Relief

Mr. Robert Gaccione Esq., of Gaccione & Pomaco, introduced as legal counsel for the Applicant, provided a brief summary:

- The proposed plan is for a four story multi-family apartment building.
- Use is approved for the IH-3 Inclusionary Housing Zone.
- Applicant is seeking preliminary and final site plan approvals, as well as, possibly up to 3 bulk variances; violation of height with regard to the fence, parking within 5 ft. of a lot line, and a 50 ft buffer requirement.
- Applicant is also asking for an RSIS De Minimis Exception for parking.

Keith Cimera, Applicant, was sworn in by Mr. Cosgrove.

Mr. Cimera's Testimony:

- Proposing a 4 story, 24 unit residential building.
- Advanced sitework has been conducted on the property to alleviate a flooding issue that was impacting Roseland Avenue and the residential complex across the street from the proposed property. A permit was issued by the Caldwell Building Department.

There were no questions from the Board or from the public for Mr.Cimera's testimony.

Mr. Chuck Stewart, licensed Engineer, Land Surveyor, and Planner, was sworn in as the second witness for the Applicant.

Mr. Stewart provided a summation of the proposed project:

- Referred to **Exhibit A Site Plan Layout** to provide details regarding the layout of the two properties in question. Lot 10.14 is a triangular parcel that was formerly Peelers Auto Body. The rear property, lot

18.01 was formerly railroad property. The adjacent lot is a Public Service Substation and adjacent to the rear of the properties are the rear lots of the residential homes on Parkway West. The intention is to combine both lots 10.14 and lot 18.01

- Referred to **Exhibit B Site Layout Plan**. The proposal is for a 4 story apartment building; one structure, with 24 residential units, consisting of 18 one-bedroom apartments, 5 two-bedroom apartments, and 1 three-bedroom apartment. The structure will be approximately 10 ft. in from Roseland Avenue. There is a proposed small parking area on the south side with 7 parking spots, one additional parking spot along the access driveway, a refuse area behind the building, and 15 additional proposed parking spaces around the building on the north rear side for a combined total of 25 parking spaces. A decorative area with a clock, bench and plantings is designed for the front corner of the property. There is a front entrance to the building, accessing the sidewalk on Roseland Avenue, and a rear entrance at the back of the building.
- Topographical features of the property are outlined in **Exhibit C Grading and Utility Plan**. The property slopes from the rear towards Roseland Avenue. In the back corner behind the PSE&G property, there was an open channel that ran along the rear, under the old Peeler's lot, and under Roseland Avenue to deposit at Grover Cleveland Park. This area was prone to flooding issues during higher intensity storms. Mr. Cimera installed a head wall in the back left corner where water now collects into a 24 in. reinforced pipe.
- Mr. Stewart referred to **Exhibit D Landscaping Plan** to illustrate the 126 proposed plantings and the proposed hedge along the PSE&G property. The design calls for artificial turf to be installed in the front decorative area and Belgian blocks and security cameras are also part of the design. PSE&G has a gas pipe that has been blocking the storm drain but they have agreed to fix the issue. Since the property does not allow for the required 50 ft buffer from the rear property line, a retaining wall and a 6 ft. board-on-board fence will be installed.

Board Members expressed an interest in eliminating the artificial turf and instead incorporating more beneficial and natural plantings and ground covers. The Applicant was agreeable.

Cross-Examination of Mr. Stewart's Testimony:(**Open to the Public**)

Monica Reyes, 91 Roseland Avenue asked if all the units will be rental units and if they will follow Fair Share Housing Guidelines.

Mr. Cimera responded affirming that they will all be rental units, six of which will be affordable housing apartments.

Mr. Peter Ricci, Architect for the Applicant, was sworn in and offered his testimony:

- The proposal is for a 4 story apartment building with 6 units per floor. The majority of the units will be one bedroom, with an additional 5 two-bedroom units and 1 three-bedroom unit.. The main entrance will be on Roseland Avenue with a second, ADA accessible entrance in the rear of the building. There will be lobbies at both entrances and an elevator will be accessible in the rear entrance lobby.
- Referred to **Exhibit E** illustrating the façade of the building. The traditional style exterior will be primarily a reddish-brown brick with elements of stone on the first floor. Interior and exterior security cameras will be installed, as well as a sprinkler system. The dormers on the fourth floor of the building are for decorative purposes only and the basement of the building will be used for storage and utility space.

Mr. Mihalik inquired about the 10 ft. ceiling heights on the drawings.

Mr. Ricci agreed that they are taller than the old standard of 8 ft. ceilings but that they do meet the height restrictions.

Mr. Beckmeyer asked why the first level stone design was not carried out throughout all four sides of the structure.

Mr. Ricci referred to **Exhibit F Exterior Elevations** to illustrate that he felt that it was a natural place to put the change.

Cross-Examination of Mr. Ricci's Testimony: **(Open to the Public)**

Monica Reyes, 91 Roseland Avenue asked if the leases for the units would be one year, two year, or monthly agreements.

Mr. Gaccione stated that the question was irrelevant to the matters being heard by the Board.

Mr. Cosgrove stated that the applicant is requesting Site Plan Approval and that the Board's task is to decide if the application conforms to the requirements set forth by the Ordinance for this zone. The Applicant is not seeking a Use Variance.

Joe Staiggar, Traffic Consultant, was sworn in as a witness.

Mr. Staiggar's Testimony:

- Proposed property is located on Roseland Avenue, a fairly busy two-lane roadway with a speed limit of 30 mph.
- Mr. Staiggar compared prior use to proposed of the property with regard to impact on traffic. The property was originally Peeler's Auto Repair, which generated approximately 4 vehicle trips in the morning peak hour and 16 vehicle trips in the evening peak hour. Since the proposed project consists of smaller residential units, there will be less occupants. In addition, the complex is in close proximity to the Caldwell downtown area and tenants will have access to a local bus stop running two bus lines. The new site should generate approximately 6 vehicle trips in the morning peak hour and 8 vehicle trips in the evening peak hour.
- In conclusion, Mr. Staiggar reported that there should be no impact or increase in vehicular traffic. The Applicant is seeking De Minimis Exception from the RSIS f requirement of 44 parking spaces. The project offers 25 parking spaces, as required by the town ordinance. There is sufficient ingress and egress to the complex with 2 one-way driveways and good site visibility from both driveways.

Mr. Gardner commented that a person entering from Roseland Avenue and utilizing the first parking space would have to partially back out onto Roseland Avenue to back out their vehicle to leave and therefore back up traffic on Roseland Avenue.

Mr. Staiggar noted Mr. Gardner's comments and suggested reversing the flow of traffic. Instead of having the entrance at the southern driveway, having vehicles enter at the northern driveway will create a smoother traffic flow.

Cross-Examination of Mr. Staiggar's testimony. **(Open to the Public)**

Monica Reyes, 91 Roseland Avenue asked if visitor parking was going to be provided for residents.

Mr. Staiggar replied that there are 25 parking spaces planned for the 24 residential units.

Alison Rengel, 91 Roseland Avenue asked if the safety of people living in the neighborhood had been considered when designing the building. She explained that there is an existing problem with parking on Roseland Avenue and traffic is already an issue.

Mr. Staiggar replied that safety is always taken into consideration when designing any project and that the key is that there is sufficient site visibility for the ingress and egress of the complex.

Stella Naletillic, 91 Roseland Avenue commented that there is a traffic issue already on Roseland Avenue.

Amanda Linard, 91 Roseland Avenue asked Mr. Staiggar how long the construction will take and how will construction vehicles impact traffic?

Mr. Staiggar replied that construction will be staged in order to provide for adequate parking for vehicles and supplies and that the work will be coordinated with the Police Department and the Building Department.

Mr. Cimera commented that the project should take approximately one year.

Mr. Beckmeyer expressed some concern about changing the flow of parking/ traffic within in the complex. The result would be having a 24 ft entrance for the proposed complex and 24 ft. exit directly across the street from each other, which could be dangerous during peak traffic hours. He offered that in his opinion, it would be safer to change the design with regard to ingress/egress and/or change the location of the 2 parking spaces right by the entrance.

Mr. Mihalik asked if the fence on the PSE&G property will limit visibility.

Mr. Staiggar commented that they can work with PSE&G to see what can be done about the stockade fence since at the moment it serves no purpose.

Mr. Gaccione gave his Closing Argument:

- The application is part of a Builder’s Remedy Court Settlement in which the size of the building was determined.
- The proposed building is a permitted compliant use.
- The applicant is seeking preliminary and final site plan approval, De Minimis Exception for the number of parking spaces, and possibly additional bulk variances.

Board Members discussed the application.

A motion to approve Application P20-001 was presented by Councilman Rodgers, seconded by Mayor Kelley.

Councilman Rodgers	yes
Mr. Mihalik	yes
Ms. Finnegan	yes
Ms. Martin	yes
Mr. McGowan	yes
Mr. Gardner	yes
Mayor Kelley	yes

Approved 7-0

Ms. Finnegan made a motion to adjourn, seconded by Mayor Kelley.
The meeting adjourned at 9:39pm

Respectfully Submitted,

Kim Conlon
Zoning Board Secretary