

BOROUGH OF CALDWELL
Special Planning Board Meeting
August 18, 2021 Minutes

A Special Public Meeting of the Borough of Caldwell Planning Board was held on August 18, 2021 at 7:03pm via electronically using Zoom Meetings. Mr. Mescia opened the meeting.

PLEDGE OF ALLEGIANCE TO THE FLAG

STATEMENT OF COMPLIANCE

ROLL CALL: Mayor Kelley, Councilman Rodgers, Mr. Mihalik, Mr. Byrne, Mr. Banazynski, and Mr. Mescia. Mr. Sandor joined the meeting at 7:21pm.
Mr. Trembulak, Mr. Beckmeyer and Ms. Speyer were also present.

ABSENT: Mr. Gardner and Mr. McGowan

OLD BUSINESS:

Carried from the August 11, 2021 Planning Board Meeting with No Further Notice.

Application P21-001, S & S Caldwell Village LLC, 14 Lane Avenue, Block 41, Lot 3; 18 Lane Avenue, Block 41, Lot 4; 12 Lane Avenue, Block 41, Lot 3.021; and 4 Lane Avenue, Block 41, Lot 2.
Preliminary and Final Site Plan Approval.

Mr. Trembulak asked Mr. Bryne and Mr. Banazynski if they had reviewed the recordings from the prior Planning Board Meeting date of August 11, 2021 in which Application P21-001 was originally presented before the Caldwell Planning Board. Both Mr. Byrne and Mr. Banazynski both answered in the affirmative.

Mr. Thomas Srivo, Attorney for the Applicant, provided a brief overview of the previous meetings proceedings. Mr. McClellan, the Project Engineer, and Mr. Corso, the Project Architect provided their testimonies at the August 11th Planning Board Meeting. He reported to the Board Members that Mr. Villari, the Traffic Expert, and Mr. Stiles, the Project Planner, would now be providing their testimonies.

Mr. Villari, a Traffic Expert from Stonefield Engineering, was sworn in by Mr. Trembulak and his credentials were accepted by the Planning Board Members. Mr. Villari stated that he had viewed all the materials regarding the project and that his team had visited the 4, 12, 14, and 18 Lane Avenue site.

Mr. Villari provided the following testimony:

- He and his team reviewed the April 2015 traffic survey data, as well as the survey data completed in May 2021. During both study intervals, schools were open. COVID would definitely have an impact, but analysis' were done for both pre-COVID and during COVID. The surveys account for population growths. The existing and proposed uses were identified as the same, "land use 221-mid-rise residential developments", with regard to traffic concerns.
- The goal of these surveys was to evaluate "peak hours of travel" and how many vehicles travel within the specified area at that time. "Major Traffic Impact" would be designated as over 100 vehicle trips in one hour. Less than 100 trips per hour would designate "Minor Traffic Impact".

Both the Bloomfield Avenue and Westville Avenue intersections were evaluated and determined to have less than 50 trips per hour, well below the 100 trips designated significant impact.

- Mr. Villari stated that Applicant was agreeable to the Borough of Caldwell Governing Body's request to restrict left-hand turns exiting from the residential complex during specific times of the day.
- Mr. Villari then provided details for the Board with regard to the Site Plan for the Building, referencing **Exhibit A, The Caldwell Village Site Plan, page 4.**
 1. A portion of the existing north parking lot would stay with 6 parking spots, and including a restricted area for loading and unloading of deliveries.
 2. A two level parking garage would be built, with a total of 236 parking stalls for the 114 residential units.
 3. A new driveway would be built in the "Courtyard Area" where short-term deliveries, including vehicles as large as a box truck, could temporarily park and navigate a k-turn to exit.

Mr. Mescia asked if Mr. Villani reviewed the traffic study submitted by JDA Traffic Engineering and if there would be specific parking spots designated for residents.

Mr. Villani and Mr. Scrivo responded that the Applicant's policy is that each residential unit will be assigned a designated spot and that the rest of the complex's parking spots would be available for second vehicles or guests. Mr. Villani stated that each parking space would be 9 ft. x 18 ft.

Mr. Beckmeyer inquired about ADA parking spaces.

Mr. Villani stated that out of the 236 total parking spaces, there were some spots designated for handicapped parking in the parking garage but not in the front by the lobby. The parking spaces in that area were designed for quick drop offs and deliveries. He explained that key fobs will be issued to allow access to the parking garage. Visitors will need to call the resident to open the gate for their access to the garage.

Mr. Banazynski asked about height restrictions for trucks collecting refuse or large moving vans.

Mr. Villani stated that the trash and recycling receptacles would be located in an area on the north lot. Moving vans would need to be coordinated. They would need to back into the courtyard driveway.

Mr. Scrivo stated that the Applicant will prohibit any trucks over 30 ft. and snow removal would be picked up and hauled off the property.

Mr. Beckmeyer stated that the minimum height for ramps in the parking garage must be posted. He stated that he did not agree with large trucks backing up on a County Road.

Golda Speyer from Topology stated that all required signs should be designated on submitted plans and that proper space for conduits for electric car charging should be provided.

Mr. Mihalik posed the possibility of adding or designating an ADA parking space in the courtyard driveway.

Cross-examination of Mr. Villari's Testimony - Open to the Public

1. **Michael Rubin, 77 Brookside Avenue** commented that the demonstrations provided by Mr. Villari did not depict maneuvering of a fire truck in the courtyard driveway.

Mr. Villari stated that all of the plans were designed for the project according to industry standards.

Jeff Stiles, the Project Planner, was sworn in by Mr. Trembulak and his credentials were accepted by the Board.

Mr. Stiles offered the following testimony:

- The plan proposes one residential apartment complex, consisting of 114 units, created by the merger of 4 property lots in subdistrict 5.
- The plan conforms and satisfies the requirements of Caldwell's Redevelopment Plan and is consistent with the Borough of Caldwell's Master Plan.
- Comments provided by the Borough Engineer and Topology have been mostly addressed by the Applicant.

Golda Speyer stated that Topology's Review comments have primarily been addressed. She reiterated that she still had some concerns regarding the limited amount of air and light for the four units located in the interior courtyard.

Mr. Stiles reported that he believed that there would be sufficient light and air on the frontage of the courtyard units and that the potential tenants would be aware of the layout before agreeing to rent those spaces.

Mr. Scrivo stated that all four of those units meet all the requirements of the Redevelopment Plan.

Cross-examination of Mr. Stiles Testimony - Open to the Public

1. **Michael Rubin, 77 Brookside Avenue** raised the question if the Redevelopment Plan specifically allows for more than one principal building to be located on one lot, which technically was created by merging four lots together?

Mr. Stiles stated that the Redevelopment Plan does not prohibit more than one principal building on a lot. Both Mr. Rubin and Mr. Stiles referred to page 42 of the Redevelopment Plan. Mr. Rubin asked if there was language in the Caldwell Zoning Ordinance that permitted a second principal building on one lot, specifically Section 250-8, subsection "c", number 1? Mr. Stiles stated that the section in question was unapplicable because this is a merger of lots and not a re-subdivision and that the drafters of the Redevelopment Plan and the Mayor and Council have all deemed the project compliant with the Redevelopment Plan.

General Comments and Questions – Open to the Public

1. **Melissa Harclerode, 14 Magnolia Lane** encouraged the Planning Board to evaluate and consider noise/dust mitigation plans and collection of waste for the project site. She asked the Board to request that the Developer install solar panels for electricity and to pursue more efficient mechanisms for stormwater management.

2. **Michael Rubin, 77 Brookside Avenue** asked Golda Speyer from Topology if the Redevelopment Plan specifically states if more than one principal building is permitted on a single lot?

Ms. Speyer agreed that the Redevelopment Plan does not specifically prohibit more than one principal building on a lot.

Mr. Rubin asked if any language in the Cox Land Use Law Resource Book contained any language prohibiting more than one principal building on a single lot?

Mr. Scrivo stated that upon reviewing the plans for the project, the Borough Planner did not indicate any need for a D Variance with regard to having more than one principal building. He quoted Mr. Abrahamson from Topology as saying on March 23, 2021 during testimony provided to the Mayor and Council that there were “no jurisdictional problems” with the Application. In addition, he stated that the project is actually not a subdivision, but a reverse subdivision because it is a merger of lots and not a division of lots.

Mr. Trembulak agreed that he did not see any jurisdictional issues or the need for a D Variance for the project.

Mr. Rubin stated that it is the responsibility of the Zoning Board, Planning Board, and the Zoning Officer to interpret and evaluate all documents in their jurisdiction. He stated that the lack of specificity with regard to stormwater management was grounds for the Board to delay voting on the Application for further evaluation.

Mr. Trembulak stated that the Board approves applications all the time that are conditioned upon engineering issues being resolved.

Mr. Beckmeyer reported to the Board that he will review the Construction Plans submitted to ensure that they are compliant with the Redevelopment Plan and that they reflect the green infrastructure suggestions provided by the Environmental Commission and the comments provided by the Fire Department.

The Board Members deliberated.

Mr. Sandor stated that he had reviewed the recordings from the August 11th Planning Board Meeting.

A motion to approve the Application was made by Mr. Byrne and seconded by Councilman Rodgers.

Mayor Kelley	yes	
Mr. Sandor	yes	
Councilman Rodgers	yes	
Mr. Mihalik	yes	
Mr. Byrne	yes	
Mr. Mescia	yes	
Mr. Banazynski	yes	7-0-0 Approved

Mr. Byrne made a motion to adjourn, seconded by Councilman Rodgers.
The meeting adjourned at 10:35pm.

Respectfully Submitted,

Kim Conlon
Planning Board Secretary