

BOROUGH OF CALDWELL
PLANNING BOARD MEETING MINUTES
February 15, 2023

The Borough of Caldwell Planning Board Meeting was called to order by Mr. Byrne at 7:09pm in a “hybrid meeting” at the Trinity Academy Gymnasium, 235 Bloomfield Avenue, Caldwell and via Zoom Meetings.

STATEMENT OF COMPLIANCE: The Statement of Compliance with Open Public Meetings was read.

ROLL CALL: Council President Alonso, Mr. Sandor, Mr. Mihalik, Mayor Jones, Mr. Mescia, Mr. Bambrick, Mr. Byrne, and Mr. Pocelinko. Mr. Trembulak, Mr. Beckmeyer, and Ms. Caroline Reiter From T & M Associates Planners were also present.

ABSENT: Mr. Gardner and Mr. McGowan.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

The Meeting Minutes from January 11, 2023 were approved.

NEW BUSINESS:

Carried over from the January 11, 2023 meeting with no further notice or publication required by the Applicant.

Application RED23-001 26-30 Lane Avenue, The Manor at Caldwell, LLC, Block 41, Lot 7
Preliminary and Final Site Plan Approval

Mr. Thomas Scrivo from O’Toole Scrivo Law Firm, attorney for the applicant, provided a brief introduction of the application:

- The application is part of a Court Settlement Agreement with NJ Fair Share Housing to provide low cost and moderate housing in the Borough of Caldwell.
- The Borough of Caldwell adopted a Redevelopment Plan and created overlays of zones in specific areas of town. Mr. Scrivo stated that the application is fully compliant with the Borough’s Redevelopment Plan.
- The property at 26-30 Lane Avenue is 1.11 acres, presently consisting of 1 residential structure.
- The proposal is for 44 residential units, similar to the applicant’s adjacent property at 18 Lane Avenue, which will consist of 98 residential units. In total, both complexes will provide 32 affordable housing units for the Borough of Caldwell.
- The application is compliant for both bulk requirements and density.
- Four witnesses will be called for the applicant: Pat McClellan, the Engineer, Steven Corso, the Architect, Joseph Staiger, the Traffic Engineer, and Jeff Stiles, the Planner.

Pat McClellan, the Engineer for the applicant, provided his credentials and was sworn in by Mr. Trembulak.

Mr. McClellan offered the following testimony:

- Referring to **Exhibit A Preliminary and Final Site Plan Page One** revised plans submitted 2/2/2023, Mr. McClellan stated that the property at block 41, lot 7, resides to the south of the applicant's previous development property. The existing property has a single-family residence.
- Referring to **Exhibit B Existing Conditions and Demolition Plan and Steep Slopes Analysis Page 2** revised plans, he indicated there is a U-shaped driveway and a garage and shed located in the back of the property, which will be removed. All construction will be west of the steep slope disturbance line.
- Referring to **Exhibit C Layout and Dimension Plan Page 3** of revised plans, Mr. McClellan indicated two proposed parking areas: one at grade offering 47 parking spaces, and one at the basement level, offering 50 parking spaces, for a total of 97 parking spaces on site.
- Referring to **Exhibit D Grading Drainage and Utilities Plan Page 4** of revised plans, Mr. McClellan explained to the Board Members that the property extends upward toward the back of the property. The proposal is to bury the building into the hill to decrease the amount of disturbance. After construction, the front elevations will be 282 and the back will be 300-306.
- The plan calls for a comprehensive stormwater system since the proposal will disturb more than one acre. The intention is to reduce the run-off rate and enhance water quality by the following implementations: a series of pipes and inlets starting from the back of the property, liter drains discharging to underground pipes in the front of the property, and ensuring that the rainwater landing on the building is determined to be "clean".
- Referring to **Exhibit E Lighting and Landscaping Plan Page 5** of revised plans, Mr. McClellan stated that there was a CAD error and the lights are not shown on the submitted plans. Mounted lights around the building are proposed. With regard to the Landscaping Plan, there will be no walls on the property line, only one wall approximately 5 ft off away from the property line with the Condominium Association adjacent to the applicant's property. There will be a buffer of evergreen trees as well. Electric charging stations will be provided on the site and benches will be installed in open areas.
- Mr. McClellan stated that he had received Ms. Reiter's review of the application and provided statements regarding some of the review comments.
 1. *The non-conforming side yard for the existing building and the shed will not need variances because they are being removed.*
 2. *There will be 97 parking spaces provided, which exceeds RSIS Standards and obligations outlined in the Redevelopment Plan.*
 3. *Referring to **Exhibit F Bicycle Rack Detail Page 7** of revised plans, Mr. McClellan stated that the applicant will provide bicycle storage for 44 bikes (11 bikes stored on each side of racks by the lobby).*
 4. *Site lighting will be designed in full compliance of requirements and will be illustrated on a submitted plan.*
 5. *Back pile pavers will be installed at the edge of the driveway.*
 6. *Open seating will be provided where space allows.*
 7. *Street trees will be pollution resistant.*
 8. *The landscape buffer of 3 ft on either side of the driveway will be added to the plans along with information on tree counts and the number of trees to be removed.*
 9. *The shadowbox fence detail will be taken off the plan since it is no longer applicable.*
 10. Mr. McClellan stated that there are no easements proposed.
 11. The existing utility will be incorporated underground.

12. Mr. McClellan provided water, sewer and stormwater information. Approximately 7,175 gallons of water will be used daily and 9,075 gallons per day of sewer usage. A State Permit should not be needed for water, but will be necessary for sewer.
13. The refuse area will be a dedicated space at the ground level, close to the aisle of parking lot, details are provided in **Exhibit G Trash Enclosure Detail Section Page 8** of revised plans. Private haulers will collect refuse in pick-up trucks, as often as deemed necessary (hand-loaded). The refuse area will utilize two parking spaces, which will bring the total available parking count to 95 spaces on the site.
14. The height scale was provided on submitted plans. Calculations were conducted by comparing the 12 elevations and the average mean roof line, which was determined to be 46.27 ft.
15. There will be a package room for deliveries in the lobby of the building. Drivers will need to be stopped by the road approximately 90 seconds while dropping off packages to the lobby.
16. Moving vehicles will need to be scheduled by the applicant. Accommodations can be made for a 30 ft. box truck in which the four spaces next to the ADA parking area can be utilized by trucks backing in to the spots.

Mr. Sandor inquired about visitor parking.

Mr. McClellan replied that 65-66 parking spaces were required by RSIS standards, 22 of which were intended for guest use. The Redevelopment Plan requires 30% more. The proposed plan satisfies both.

Ms. Reiter clarified that visitor's and ADA spaces are always included as a percentage of all spaces. She stated that the plans indicate 2 ADA parking spaces in the ground level parking lot and 2 ADA parking spaces in the lower level lot.

There was some discussion regarding the total number of parking spaces on site. Mr. Scrivo reported that the plans incorrectly provided a total of 99 spots, however, the plans indicate a total of 97 parking spaces. The plans will be revised to illustrate the correct number.

Mr. McClellan stated that he had received a copy of Mr. Beckmeyer's Report. Mr. Beckmeyer clarified that he completed two reviews of the application and that some of the items he initially reported on were included in the revised plans submitted on 2/2/2023.

Mr. Beckmeyer provided the Board Members with additional information regarding his reviews of the application:

- He expressed concerns regarding the retaining wall adjacent to the Condominium Complex and asked the applicant for more details. He suggested reconfiguring the patio to go further into the backyard, about 230 sq ft away from the property line, which would still allow the applicant to be compliant with the steep slope.
- Mr. Beckmeyer requested information to be provided with regard to the depth of the foundations and suggested that the building height calculations be reflected on the plans as each elevation being indicated with a rectangle so it will be easier to read on the plans.
- He asked that the retaining wall and its terraces be labeled on the plans with dimensions included.
- More information needs to be included regarding the inlets around the building, including calculations of swells and soil erosion.

- Topology should be provided on Lane Avenue to show how stormwater drains on Lane Avenue.
- More information needs to be included on drainage, specifically the underground system and drainage behind the building. Is there water travelling through the site from other nearby properties?

Mr. McClellan stated that the Applicant and his team have reflected on the construction of the first development site at 18 Lane Avenue and have formulated a plan to ease some of the effects of the building process to neighboring properties. First, the Applicant would like to offer the residents on Highview Road a Pre-Construction Survey. Secondly, there have been some adjustments to the drilling process. Sheet Piling will need to be done; however, a gentler drilling process will be used, utilizing a 12- diameter bit that will reduce vibrations that were experienced in construction on the 18 Lane Avenue site.

Ms. Reiter asked if the existing shed would be removed. Mr. McClellan affirmed that the shed would be removed.

Ms. Reiter inquired if the number of biking spaces would be included on revised plans and noted that additional electric car charging areas will be need to be added in increments of every three years.

Mr. McClellan stated that he would consult with his client.

Mr. Trembulak stated that Electrical Vehicle Stations count as 2 spaces.

Mr. McClellan noted the plans propose 2 ADA van accessible parking spaces on the ground level, which have an 8 ft. aisle, and 2 lower level ADA car accessible parking spaces.

Ms. Reiter asked about safety measures for bicyclists parking and exiting with their bikes.

Mr. McClellan stated that bicyclists would exit the front of the building with their bikes. The parking garage will be well illuminated and there are no blind corners.

Mr. Beckmeyer inquired on how plants and shrubs planted in the upper terrace behind the patio would be properly maintained?

Mr. McClellan stated that one would have to walk the first terrace to water the plants on the second terrace. He reported that modifications to the walls could be made to make maintenance easier.

Mr. Beckmeyer inquired about the refuse area.

Mr. McClellan reported that the 2 spaces closest to the driving aisle would hold an enclosed refuse area of approximately 360 sq. ft.

Mr. Beckmeyer suggested moving the refuse area to the end of the aisle and utilizing one space on either side of the aisle for refuse to provide more space.

OPEN TO PUBLIC

Public questions regarding Mr. McClellan's testimony.

John Kaplan, from Herald Law in Warren Township, NJ representing property owners in adjacent Condominium Complex next-door Rabi Richard and Sharon Hammerman, Donatella Nesti, Thomas O'Neill, Kevin Kim, Young Kidu, and Amy and Lee Gordon expressed several concerns that his clients have regarding the proposed project. *Does the Borough of Caldwell still have a sewer moratorium? Will the public have a chance to review revised plans for stormwater containment and placement and heights of retaining walls prior to the Board voting on the application? Will more information be provided to the public with regard to the drilling process and timelines?*

Mayor Jones stated that he needed to defer the information with regard to the sewer moratorium as the town is still in litigation regarding the issue.

Mr. Trembulak stated that Mr. Kaplan's inquiries concerned construction methods, which are usually outlined further and detailed when plans are submitted to the Building Department. He reported that the locations and heights of the retaining walls were indicated on the submitted plans.

Mr. Kaplan told the Board Members that his client's concerns were that there would be structural issues with the retaining wall on this property, as there were on the site of 18 Lane Avenue, in which the wall became compromised during the construction process. He asked if the public would have an opportunity to review any changes in the designs/plans for the retaining walls prior to a vote.

Mr. McClellan stated that no variance would be needed for the retaining walls. The tiers of the walls would not be greater than 6 ft. and they would be no less than 6 ft. apart horizontally. Mr. McClellan reported that the additional information that Mr. Beckmeyer was requesting was for clarification purposes.

Mr. Beckmeyer told Mr. Kaplan that the detailed design of the walls would be submitted to the Building Department with the Construction Application. The details would be reviewed by the Building Department and if need be, by the Borough Engineer.

Mr. Kaplan asked for assurances that the retaining walls would not fall.

Mr. Beckmeyer clarified that when a licensed Engineer stamps and seals the plans for the walls, they are assuring that the wall will not fall and that it is structurally sound.

Mayor Jones announced that there would be another layer of protection to nearby residents. There will be a designated Construction Official from an outside entity, who will be responsible for overseeing the construction on the site.

Mr. Trembulak stated that any revisions to the submitted plans can either be brought back to the Planning Board or they can be part of the conditions of approval granted by the Board.

Mr. Kaplan asked if any tests would be done for the soil pits or if calculations would be made for groundwater flows on the site?

Mr. McClellan reported that there was no groundwater recharge component for this project. Soil testing was conducted at the previous site, 18 Lane Avenue. The proposal is for a large construction project by a major road. The applicant and his team of professionals are making efforts to not impact adjacent properties during construction.

Mr. Kaplan inquired about the timeline for repairs to the road adjacent to the 18 Lane Avenue site.

Mr. McClellan stated that the road was backfilled with aggregate, brought to grade, and paved with a base course prior to winter weather. They will pave and surface pour in the Spring when the weather is more conducive.

Mr. Kaplan asked if the retaining wall would still be on the property line and if a construction easement would be necessary for staging of trucks and materials for the site? He also inquired about updated stormwater management details.

Mr. McClellan responded that the plans call for one retaining wall approximately 6 ft. from the property line and that the applicant would like to follow Mr. Beckmeyer's advice and reconfigure the patio away from the property line. He stated that construction activities on Lane Avenue would be limited to utility connections and any possible conditions imposed by Essex County. Mr. McClellan stated that he would like to possibly have a Zoom Conference Call with Mr. Beckmeyer to clarify information regarding the stormwater management system. He elaborated that the stormwater chamber consists of a series of piping, which will be connected to roof and side drains.

Mr. Kaplan inquired about the sidewalk along Lane Avenue. The Redevelopment Plan states that it needs to connect to Bloomfield Avenue. He also asked how many trees would be included in the landscaping plan between the condominium complex and the site?

Mr. McClellan stated that it is their intention to connect the sidewalk to the initial redevelopment site at 18 Lane Avenue. In addition, the applicant plans to plant 40 evergreen trees, approximately 10-12 ft in height.

Anthony Ramirez, 22A Lane Avenue asked questions relating to several topics: *Will a sidewalk be added to our complex (condominiums adjacent to the proposed site)? Will there be any assurances that trees planted will stay alive? Will we experience shaking and vibrations like when the drilling was being conducted at 18 Lane Avenue?*

McClellan affirmed that a sidewalk will be installed at the complex adjacent to the proposed site. He stated that trees typically are bonded or "under warranty" for a specific amount of time. He assured Mr. Ramirez that the drilling procedure being utilized on this site will create substantially less vibrations.

Mr. McClellan stated for the record that the applicant was agreeable to Mr. Beckmeyer's earlier suggestion of relocating the refuse area to the last two parking spaces at the end of the parking lot driving aisle.

Carrie Reinhardt, Klimback Court, West Caldwell stated that Klimback Court receives the residual effects of construction on Lane Avenue. She asked if there would be any signs prohibiting vehicles leaving 26-30 Lane Avenue from making left or right-hand turns? She explained that with the construction on 18 Lane Avenue trucks were turning around on Klimback Court. She also asked if anything could be done to ensure that the drilling did not exceed a certain level. Her niece's wheelchair elevator was knocked off it's track from the vibrations and many of her neighbors experienced cracks in their foundations. In addition, neighbors have experienced stormwater runoff issues.

Mr. McClellan stated that the Borough was going to have an independent official on the site. The new drainage system for the 18 Lane Avenue site will be fully in place soon.

Ed Glasspool, 21 Highview Road inquired if someone will be monitoring the decibel levels and ensuring that state regulations are being met? He also asked the purpose of offering a Pre-Site Survey to nearby residents.

Mr. Beckmeyer stated that the State has regulations with regard to blasting but not vibratory processes. The Borough of Caldwell does not have any specific ordinances with regard to vibration either.

Mr. McClellan reported that the Pre-Site Survey is to establish a benchmark, so that problems can be remediated by the developer.

Thomas O'Neill, 24B Lane Avenue stated that there is language in the NJ Administrative Code that outlines vibration regulations surrounding a case in Margate, NJ in 2020.

Mr. McClellan stated that Mr. O'Neill could call him at any time to discuss information regarding the drilling on-site.

Ed Glasspool, 21 Highview Road asked if the Builder's Remedy Lawsuit was filed under the previous Administration for the Borough of Caldwell?

Mayor Jones stated that it was litigation concerning compliance by the Borough of Caldwell with NJ Affordable Housing.

Donna Donalaski, 28 Lane Avenue expressed her concern that a line of evergreen trees would not survive due to the shade cast by a four-story building.

Mr. Mihalik stated that it depends upon the species.

Mr. McClellan stated that they would research appropriate trees and would alternate species so if one type of tree did not do well the other type would still remain healthy.

David Occhino, 21 Lane Avenue expressed concern that the same professionals would be working on this project as the project on 18 Lane Avenue, in which there were some issues.

Mr. McClellan stated that he has a high level of confidence that the process for the 26-30 Lane Avenue site will be much smoother than the construction on the 18 Lane Avenue site.

Sharon Hammerman, 20A Lane Avenue informed the Board Members that it was her understanding that there is a well between the house and the shed on the property, and an additional well on the property at 32 Lane Avenue. She asked if the town was aware of the wells?

Mr. McClellan stated that he was unaware of the wells.

Mr. Trembulak made an announcement that the rest of the testimony for the hearing of the 26-30 Lane Avenue would be adjourned to the Planning Board's next meeting date, scheduled for 7:00pm on Wednesday, March 8, 2023, in the Trinity Academy Gymnasium, 235 Bloomfield Avenue, Caldwell. Mr. Trembulak stated that no further publication or notice needed to be provided by the applicant.

Mr. Mescia made a motion to adjourn the meeting, seconded by Mayor Jones. At 10:06pm the meeting adjourned.

Respectfully Submitted,

Kim Conlon
Board Secretary