

**Borough of Caldwell
Planning Board Meeting
July 14, 2021
Minutes**

A Public Meeting of the Borough of Caldwell Planning Board was called to order on July 14, 2021 at 7:08pm via Zoom Meetings.

ROLL CALL: Mayor Kelley, Mr. Mihalik, Mr. Gardner, Mr. McGowan and Mr. Mescia. Councilman Rodgers joined the meeting at 7:20pm. Mr. Trembulak and Mr. Beckmeyer were also in attendance.

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

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 April 28, 2021 were approved.
Mayor Kelley abstained from voting.

APPROVAL OF INVOICE

The invoice submitted on May 11, 2021 by *Durkin & Durkin LLC* for Applications P20-001, 80 Roseland Avenue for \$2,831.25 and Application P20-002, 459 Bloomfield Avenue for \$2,831.25 were both approved.

APPROVAL OF REVISED RESOLUTIONS

The revisions to the Resolutions for Application P20-001, 80 Roseland Avenue and P20-002, 459 Bloomfield Avenue were approved to include information regarding the specificity of units for both projects.

CONSISTENCY REVIEW

Borough Ordinance No. 1414-21, Ordinance of the Borough Prohibiting the Operation of any Class of Cannabis Businesses within its Geographical Boundaries and Amending Section 250 of the Borough of Caldwell's Zoning Code.

Golda Speyer from Topology offered a brief explanation of the Ordinance to the Planning Board Members:

- After Governor Murphy's action to legalize cannabis businesses in the state of New Jersey, municipalities were offered three options in response.
 1. Ban all cannabis businesses for now and then opt back in later, to allow the Borough of Caldwell time to establish guidelines and conditions.
 2. Permit all cannabis business in the Borough, or conditionally permit.
 3. Perform no action as a Governing Body by August 30th and allow cannabis sales to become an "as of right".

- The Borough of Caldwell Governing Body made a decision to introduce an Ordinance to ban cannabis establishments for now, with the option of allowing cannabis businesses with conditions at a later date.

Board Members held a brief discussion regarding Ordinance.

Mr. Gardner made a motion to approve Ordinance No. 1414-21. Mr. McGowan seconded the motion.

Mayor Kelley	yes
Councilman Rodgers	yes
Mr. Mihalik	yes
Mr. Gardner	yes
Mr. McGowan	yes
Mr. Mescia	yes

6-0-0 Approved.

NEW BUSINESS

Mr. Mescia initiated a conversation among Board Members regarding holding all future Planning Board Meetings in person.

Board Members discussed options and possibilities of in-person meetings.

Mayor Kelley stated that the Borough Council Chambers were in disrepair and that he was consulting with St. Aloysius Church and Caldwell University to explore the possibility of using their facilities for all Board and Council Public Meetings. He explained that his intention was to have a location lined up for the Fall, hopefully September.

Mr. Gardner expressed his concern that the hearing of the Lane Avenue Proposal Application should be held in person to allow the public an opportunity to voice their concerns and that the Board may want to wait until September to hear the Application.

The Mayor stated that multiple meetings had already been conducted publicly for the Lane Avenue Application and that it would be unfair to the Applicant to hold back the meeting.

Discussion ensued between Board Members.

Mayor Kelley suggested that Planning Board Members should leave the Lane Avenue Application for its scheduled hearing date before the Board of Wednesday, August 11th and to keep Thursday, August 12th free as a "carry-over" date in case two meeting dates were needed to hear the Application.

Mr. Mescia stated that the possibility of returning to in-person meetings would be revisited by the Board at their August Meeting.

Mr. Mescia proposed to the Board Members that the Planning Board hire their own independent Engineer to review the Lane Avenue Application, as a "second set of eyes". He suggested Anthony Marucci, Engineer.

Discussion ensued between Board Members.

Mr. Trembulak stated that it was his understanding that the revisions that the applicant for the Lane Avenue Properties made were fully compliant. He explained to the Board that if that is the case, then the Planning Board would be required to approve the Application.

Glenn Beckmeyer gave a brief summation of his review, thus far, of the Lane Avenue Properties Application and stated that the Board would hear all of his concerns when the Applicant appears before the Board at the August 11th meeting. He explained that as part of the process, he will review the final plans to ensure that all the necessary revisions outlined by the Board have been satisfied.

Mr. Mescia made a motion for the Planning Board to hire Mr. Anthony Marucci as an independent Engineer to review the Lane Avenue Properties Application. Mr. McGowan seconded the motion.

Mayor Kelley	no
Councilman Rodgers	no
Mr. Mihalik	no
Mr. Gardner	yes
Mr. McGowan	no
Mr. Mescia	yes

OPEN TO PUBLIC

No public comments

Mr. Mescia made a motion to adjourn the meeting, seconded by Mr. Mihalik.

The meeting adjourned at 8:29PM.

Respectfully Submitted,
Kim Conlon
Planning Board Secretary