

BOROUGH OF CALDWELL
PLANNING BOARD MEETING MINUTES
March 8, 2023

The Borough of Caldwell Planning Board Meeting was called to order by Mr. Byrne at 7:00pm 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: Mr. Bambrick, Mr. Sandor, Mr. Mihalik, Mr. Gardner, Mr. Mescia, Mr. Pocelinko, Council President Alonso, Mayor Jones, and Mr. Bryne. 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 February 15, 2023 were approved.

APPROVAL OF INVOICE:

The invoice dated February 22, 2023 from T and M Associates in the amount of \$3,642.00 for the review of **Application RED23-001** 26-30 Lane Avenue, The Manor at Caldwell was approved by the Board.

NEW BUSINESS:

Carried over from the February 15, 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, Attorney for the Applicant, provided a brief itinerary for testimony:

Mr. Patrick McClellan, Engineer for the Applicant, appeared before the Board at the February 22, 2023 Planning Board Meeting and had provided testimony. Based on some of the questions raised by Mr. Beckmeyer and Ms. Reiter, Mr. McClellan submitted revisions to the plans and a letter outlining all the changes to the originally submitted plans. These were submitted on February 24, 2023 and distributed to all Board Members.

Testimony would now be heard by the Planner, Architect, and Traffic Engineer for the Applicant.

Mr. Steven Corso, Architect for the project, was sworn in by Mr. Trembulak. His qualifications were accepted by the Board. Mr. Corso provided the following testimony:

- Referring to **Exhibit H Architectural Rendering** Mr. Corso described the exterior of the proposed building as a 4 story brick edifice with white anchors. The Fourth story is a roof with dormers. The building is divided into 3 sections. There are portions that are set back by 12 ft. to lessen the impact and size of the building. The sides of the buildings will have the same exterior.

- Referring to **Page 4 Architect Plans “Elevations”** Mr. Corso indicated that the rear of the building would have a buffer of trees behind the structure. There would be additional trees near the rear property line that would remain untouched.
- There will be a two-story parking garage with 45 parking spaces in the upper parking lot and 50 parking spaces in the below-grade lot.
- The lobby will be located in the front right side of the building, where there will also be a package room, stairs and an elevator.
- The Applicant decided to move the refuse area, as per Mr. Beckmeyer’s suggestion from the February 15, 2023 meeting. The containers will be 3 ft x 5 ft x 4 ft. Three of these containers will be designated for trash and three for recycling. The refuse will be collected by a contractor with a pick-up truck, two to three times a week, or more if necessary. A superintendent will be on the premises to monitor that the area is tidy.
- A recessed entryway to the building that is all glass, with glass doors, will be constructed. The area can be accessed by the sidewalk from the street next to the driveway.
- Mansard roofs are proposed for the top of the building, with 5 ft. high parapets with enough room to store mechanical equipment. The roof will only be accessed for maintenance purposes through the use of a roof hatch.
- The bicycle area is compliant.
- The plans comply with a 9 ft. floor height requirement. The residential floors will be 10ft high.
- A terrace is proposed along the left side of the building, which will be paved in bluestone and can be accessed through the Community Room on the second floor and by the sidewalk behind and around the side of the building. The area will be accessible to everyone. Tables, chairs and benches will be installed. More design features will be submitted with construction plans.
- No signs are proposed except for signs that identify the unit numbers. They will be limited to 1.5 ft.
- The mass of the building is broken up by the mansard roof, the terrace, and the buffer of trees.
- Windows will be off-white.
- **Page 2 Architect Plans** indicates the bedroom and apartment count per floor. The 3 bedroom units will be located in the front of the building on the second and third floors. The rest of the units will be one and two bedrooms. The Affordable Housing Units are not identified at this time, but will be compliant with the Affordable Housing Plan.

Mr. Beckmeyer asked Mr. Corso to confirm if there was only one door to the patio in the back of the building.

Mr. Corso confirmed that only one door was proposed but that it would be ADA accessible.

Mr. Beckmeyer stated that he wished the side of the buildings renderings had been extended more. The illustration does not capture the green leveling off and the series of walls proposed. He informed the Board that the top of the upper wall was almost even with the roofline.

Mr. Mihalik stated that the measurements indicate that the fourth floor apartment units are smaller but that the plans do not reflect the smaller size.

Mr. Corso stated that the measurements go to the window.

Mr. Mihalik reflected that the trash collection rooms look small and narrow.

Mr. Corso reported that he believed them to be significant in size and that the containers would be on rollers for easier maneuverability.

Mr. Sandor inquired about patio lighting. Mr. Mihalik asked what materials the patio would be constructed with and if there would be plantings.

Mr. Corso stated that more detail would be included regarding the patio when the construction plans were submitted. The patio would be made out of bluestone and potted plants would be installed (no built-ins).

Mr. Gardner asked for clarification regarding the Affordable Housing Units.

Mr. Corso provided the following information regarding the breakdown of units for the building:

- There will be two 3-bedroom units (both of which will be affordable housing units).
- There will be 29 two-bedroom units (6 of which will be affordable housing units).
- There will be 13 one bedroom units (1 of which will be an affordable housing unit).

Mr. Mescia asked if these units would be deed restricted.

Mr. Scrivo stated that they would be deed restricted and that the affordable units would be dispersed throughout the building.

Ms. Reiter asked if the locations of the affordable housing units could be identified at this time. She stated that her concern was that she wanted to avoid having these particular units to be all on the same floor or all sharing the same view.

Mr. Scrivo reiterated that the affordable housing units will be dispersed throughout the entire facility and confirmed that it could be stipulated as one of the conditions in the Resolution.

Ms. Reiter inquired about the safety of residents accessing their bikes. Would they have to exit outside to ramps with vehicle traffic?

Mr. Corso stated that they would exit using the elevator.

Mr. Beckmeyer stated for the record that anyone requiring ADA access to the terrace area would need to utilize the door from the Community Room, as the walkway access outside has stairs.

Mr. Bambrick asked when the determination would be made on the location of the affordable housing units?

Mr. Scrivo stated that it would be determined by the market with the same standards and same design for all of the units.

Ms. Reiter stated that it would need to be determined 120 days before coming onto the market, as required by law.

Mr. Sandor stated that the plans indicate ranges for sizes of the units as being the follows:

One bedroom units 800-930 sq ft, two bedroom units on the second floor 1090-1300 sq ft., and two bedroom units on the third floor 1140-1300 sq ft.

Mr. Sandor asked for an assurance that the smallest sized units would not automatically be designated as the affordable housing units.

Mr. Scrivo stated that he would ask the Applicant's Planner to provide more details, if possible.

OPEN TO PUBLIC

There were no public comments or questions for Mr. Corso.

Mr. Joseph Staigar, the Traffic Engineer for the Applicant was sworn in by Mr. Trembulak. His credentials were accepted by the Board Members.

Mr. Staigar provided the following testimony:

- Mr. Staigar stated that he was tasked to prepare a Traffic Impact Study with existing and proposed impacts.
- His calculations took into consideration traffic conceivably generated by the site currently being constructed by the Applicant at 18 Lane Avenue.
- Trip Generation Rates, with no rail transit availability, were calculated to be 16 trips in the peak am hours and 17 trips in the peak pm hours.
- The dispersion of traffic from the sites lead to Lane Avenue, Bloomfield Avenue, and Westville Avenue, with 60% of vehicles heading to and from the site from the North to Bloomfield Avenue.
- The NJDOT defines significant impact to be an increase of 100 trips or more per hour. Mr. Staigar stated that he does not believe there will be a significant impact to traffic by the 26-30 Lane Avenue Development.
- Analysis of the driveway indicated level service A & B, which are acceptable levels. There is good visibility upon entering and exiting the complex.
- There is more than sufficient parking. By RSIS standards, the requirement would be 86 spaces. With the installation of Electric Vehicle Charging Stations, a 10% credit for required parking would be implemented, therefore making the total required parking spots 77 spaces. 95 spaces are provided in the proposed plans. Mr. Staigar informed the Board Members that RSIS does include guest parking in their requirement calculations.
- The parking layout is compliant; 9 x 18 ft spaces and 24 ft. aisles. The main aisle is only 2 spaces deep and short aisles up to four spaces. Mr. Staigar stated that it is easy for a driver to look down the aisle to ensure there is an available spot before committing to turning. One parking space will be reserved for each residential unit. 22 spaces will be dedicated for compact cars.
- Referring to Ms. Reiter's review letter, Mr. Staigar stated that he did not see the need for pedestrian crossing markings. There is a low volume of traffic proposed and clear visibility entering and leaving the parking garage. He suggested installing "Beware of Pedestrians" signs instead.
- In Mr. Staigar's opinion, the proposed plan is compliant with RSIS and the Redevelopment Plan.

Mr. Bambrick asked Mr. Staigar several questions regarding the time frame of when the data was collected for the study. Did it take place during one day? Was it a weekday or a holiday? Did COVID effect the numbers?

Mr. Staigar reported that in computing his calculations he reviewed data taken in 2015 (pre-COVID), which he projected to 2023 numbers by adding growth rates, and also considered data taken in November 2022. To be conservative, he decided not to use the November 2022 statistics because the numbers were lower than the totals for the 2015 data. Mr. Staigar stated that COVID does skew some of the numbers due to the fact that there is less travel and more work from home opportunities for most individuals.

There was some question by Board Members that page 3 of his report indicates a date of November 27, 2022, which is a Sunday. Mr. Staigar informed the Board Members that the data was taken on a Tuesday, Wednesday, or Thursday in early November, but that his calculations for the report were generated on Sunday, November 27, 2022. In addition, Mr. Staigar reported that the calculations were conducted during peak traffic hours (7:00-9:00am and 4:00-6:30pm) while school was in session.

Mr. Gardner inquired about the possibility of installing a “No Left Turn 7:00-8:00am” Sign exiting the complex to prevent more congestion on Lane Avenue during drop off times for James Caldwell High School.

Mr. Staigar stated that it may create more problems. Drivers may be inclined to head north and make a k-turn on Lane Avenue to head to the high school or may cut through to other nearby streets.

Mr. Sandor asked if data from the 18 Lane Avenue Redevelopment Project was included in the calculations?

Mr. Staigar stated that data from 18 Lane Avenue was provided in the analysis on Page 4 of the Traffic Study.

Ms. Reiter inquired about the safety and traffic flow of dead-end aisles in the parking lot.

Mr. Staigar reported that the aisles are small. There are four parking spaces on either side, which enables the driver to see if there is an available space before committing to driving down the aisle.

Mr. Beckmeyer asked Mr. Staigar if the aisles were at least 24 ft.

Mr. Staigar stated that the main aisle is 24.83 ft. There is one aisle that is 22 ft. but it is a circulation aisle.

Mr. Beckmeyer asked if the 22 ft. ramp was sufficient in width.

Mr. Staigar reported that 22 ft. allows for 2 vehicles to pass each other in the opposite direction.

Mr. Beckmeyer inquired about the two nearby traffic signals.

Mr. Staigar stated that both intersections, the Bloomfield Ave/Lane Avenue corridor and the Westville Ave/Runnymede Lane corridor, were considered in the analysis. Both were determined to be “Level B”, which according to state guidelines, signifies no significant change in traffic delays.

Mr. Beckmeyer reported that the Traffic Study will be reviewed by the Essex County Planner.

Mr. Mihalik asked about the possibility of tandem parking.

Mr. Staigar stated that tandem parking would be inefficient in this case.

Mr. Mescia asked Mr. Staigar about deliveries to the site.

Mr. Staigar stated that the garage door is open during the day, with clearance of more than 10 ft. Delivery trucks may take a parking space for a few minutes to drop off packages.

OPEN TO PUBLIC

John Kaplan, Herald Law in Warren ,New Jersey, legal counsel for several property owners of the adjacent condominium complex on Lane Avenue asked Mr. Staigar if he had completed the Traffic Study for the 18 Lane Avenue Project Site.

Mr. Staigar responded that he had done an initial study for 18 Lane Avenue but then had to recuse himself. Stonefield had submitted a Traffic Study Report for the project.

Mr. Kaplan asked if Stonefield’s calculations had been accurate.

Mr. Staigar replied in the affirmative.

Ed Glasspool, 21 Highview Road questioned the number of cars calculated in the analysis for leaving both the 26-30 Lane Avenue and the 18 Lane Avenue sites. *With two big complexes with over 300 units, at 7:00am, only 10 cars are calculated as leaving either complex?* Mr. Glasspool also stated that it may be advantageous for the Borough to have an independent traffic study conducted.

Mr. Staigar clarified that the data showed that during peak hours, there would be approximately 16 morning trips and 17 evening trips.

Ms. Reiter inquired about the possibility of installing speedbumps or pedestrian striping.

Mr. Staigar agreed that maybe a crosswalk for the area where one would enter the garage would alleviate pedestrian safety concerns.

Mr. Jeffrey Stiles, the Planner for the Applicant, was sworn in by Mr. Trembulak. The Board accepted his credentials.

Mr. Stiles offered the following testimony:

- Mr. Stiles evaluated the Redevelopment Plan that was adopted by the Borough in December 2020. The zoning for this property was changed to carry out what was contemplated by the Governing Body at that time. The proposed plan is compliant with the Redevelopment Plan. There are no variances or deviations being requested by the Applicant.
- A Fiscal Impact Study was prepared in November 2022, which calculated an increase to the Borough and the school district, as any development does, for services. The cost was calculated by the per capita multiplier method, which considers the cost per student vs. the increase in taxes. The result of the calculations was an approximate \$20,000 net difference in costs.
- Mr. Stiles stated that it is premature to identify the affordable housing units now. Four months prior to the issuance of a Certificate of Occupancy, a marketing plan must be supplied. No Certificate of Occupancy can be issued until the Deed Restrictions are filed. The deed restriction is for 30 years.
By Ordinance, 20 % of the units will be affordable housing units: one 1 bedroom, six 2 bedroom, and two 3 bedroom units. He stated that income eligibility was a complex issue. There will be low and moderate income housing, which are based on the number of people in the family and income levels. The rates will be adjusted annually. A third party administrative agent is required to make sure there is compliance with affordable housing.
- Mr. Stiles calculations were based on the Fiscal Impact Handbook issued by Rutgers University.

Mr. Trembulak stated that the affordable units must be distribution between low and very low income units.

Ms. Reiter reported that the income distribution must be broken down with 50% of the units designated as low income.

Mr. Stiles stated that there was a requirement of 13% very low income units based on the Borough's Affordable Housing Plan. He reported to the Board that the Administrative Agent will make the final determination and that the Applicant will comply with the Settlement Agreement, the regulations outlined in the Borough's Ordinances, and the requirements of the Fair Share Housing Act.

Ms. Reiter asked who would be paying the expenses of the Administrative Agent.

Mr. Stiles replied that the Developer is responsible for the costs of the Administrative Agent.

Mr. Bambrick asked if the Administrative Agent supplies an annual report and if a tenant obtains a job with a substantial increase in pay, does that effect their eligibility for affordable housing.

Ms. Reiter stated that a report is generated initially by the Agent and that changes in a tenant's income are not considered until the unit changes over.

Mr. Sandor asked if Caldwell residents are considered first for the affordable housing units.

Mr. Stiles reported that Caldwell residents are not eligible for preferential treatment and that they would have to go through the same process, however, town residents usually are able to submit their applications early.

Mr. Gardner asked for confirmation that the projections show that 29 two-bedroom units would only generate an additional 7 children to the school system.

Mr. Stiles affirmed that the projections were correct.

OPEN TO PUBLIC

There were no public comments/questions for Mr. Stiles.

OPEN TO PUBLIC FOR COMMENTS/QUESTIONS FOR ANY OF THE WITNESSES:

There were no public comments or questions.

Mr. Scrivo offered a closing summation:

Mr. Scrivo reminded the Board Members that the Redevelopment Plan, passed by the Governing Body, invited this process. He stated that the proposed plan is compliant with the Borough's Redevelopment Plan and that it helps to satisfy the Borough's constitutional obligation for affordable housing.

The Applicant has been fully compliant: the Engineer revised plans based on questions and concerns of the professionals, the Traffic Engineer utilized the most conservative numbers in his study, and based on the Planner's testimony, the Applicant has stated that he is will be compliant with all the laws and constitutional regulations for affordable housing.

He commended the Board Members for their diligence.

John Kaplan, Herald Law in Warren, NJ, representing several adjacent property owners, asked to address the Board to state that it was his understanding that the Engineer for the project, Mr. McClellan, who had provided his testimony at the February 15, 2023 Meeting, was going to provide more testimony and have a Geotechnical Engineer provide additional testimony regarding the drilling process to be used for the project.

Mr. Byrne stated that the Geotechnical Engineer's testimony was not a requirement for the meeting. He asked Mr. Beckmeyer if he had any unresolved issues with Mr. McClellan that needed to be presented during the hearing.

Mr. Beckmeyer stated that he had some pending items that would be discussed and resolved with Mr. McClellan regarding drainage and lighting.

Mr. McClellan was able to appear before the Board via Zoom.

Mr. Trembulak reminded Mr. McClellan that he was still under Oath.

Mr. McClellan offered additional testimony:

- Time was an issue with addressing all the items in Mr. Beckmeyer's and Ms. Reiter's Review Letters. They were able to address some of the concerns, however, the lighting and stormwater issues would need to be reviewed by outside consultants.

Mr. Kaplan stated that he was looking for more details with regard to the pile driving process.

Mr. Trembulak stated that Mr. McClellan had provided testimony and assurances at the February 15, 2023 Meeting and that the information being requested by Mr. Kaplan may not be required by the Applicant. He reported to the Board that often there are items submitted subsequently, like lighting and stormwater remediations, that are still subject to the Board Engineer's approval.

Mr. Beckmeyer stated that he had worked with the applicant before and felt confident that the pending issues would be addressed.

The Mayor stated that there would be a dedicated official on the site. If there were seismic concerns, the State Offices would be notified.

Mr. Sandor mentioned that if revisions were not approved by Mr. Beckmeyer, than the Applicant would need to appear before the Planning Board again.

Mr. Trembulak summarized for the Board Members the conditions that should be included in the Resolution:

- Compliance with items detailed in the Sewer Department, Fire Department and Water Department Reviews of the application.
- Modified locations of the Electrical Vehicle Stations.
- Acquiring of necessary approvals from Essex County Board and Soil Conservation District, as well as a request to allow crosswalks to be installed from the new proposed building to the other side of Lane Avenue.
- Compliance with items outlined in Ms. Reiter’s Review Report.
- Compliance with items outlined in Mr. Beckmeyer’s Review Report, including additional approval of Stormwater Management Plan and Lighting Plan.
- Pre-construction surveys of houses on Highview Road.
- Compliance with State Statutes on Electrical Vehicle Stations and Make Ready Parking Spaces.
- Provide information requested by Mr. Beckmeyer to confirm front yard setback calculations.
- Compliance with all regulations regarding Affordable Housing and the Settlement Agreement.
- Obligatory and timely marketing of affordable housing units.
- Installation of pedestrian markings by parking garage.
- Seating and plantings on terrace and patio areas.
- Engineering Plans to be submitted that include the elevator.
- Architectural Plans to be submitted that depict the correct size of the bicycle room.
- The Developer is to incur the costs of an on-site Construction Official.

There was some discussion about carrying over the application until the next hearing date, April 12th.

Mr. Bambrick made a motion to carry over the application until the next Planning Board Meeting date of April 12, 2023 in order allow time for the applicant to provide more documentation and information to resolve some of the pending issues designated by Mr. Beckmeyer. Mr. Gardner seconded the motion. Upon roll call, the votes to carry over the application were as follows:

Mr. Bambrick	yes
Mr. Sandor	no
Mr. Mihalik	no
Mr. Gardner	yes
Mr. Mescia	no
Mr. Pocelinko	no
Council President Alonso	no
Mayor Jones	no
Mr. Byrne	no

(2 - 7- 0) Motion not approved.

Mayor Jones gave a brief statement before votes were called.

Council President Alonso made a motion to approve **Application RED-001** for 26-30 Lane Avenue, seconded by Mr. Mihalik.

Upon roll, the votes were as follows:

Mr. Bambrick	yes
Mr. Sandor	yes
Mr. Mihalik	yes
Mr. Gardner	yes
Mr. Mescia	yes
Mr. Pocelinko	yes
Council President Alonso	abstain
Mayor Jones	abstain
Mr. Byrne	yes

(7 - 0 – 2) Application was approved.

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

The meeting adjourned at 11:11pm.

Respectfully Submitted,

Kim Conlon
Planning Board Secretary