

**BOROUGH OF CALDWELL**

**PLANNING BOARD**

**October 14, 2020**

**Minutes**

The Planning Board was called to order by Mr. Gardner at 7:08PM.

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

**PRESENT:** Robert Cosgrove, Esq. and Glenn Beckmeyer

**ABSENT:** Mr. Sandor, Ms Finnegan, and Mr. Mescia

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

**PLEDGE OF ALLEGIANCE:**

**APPROVAL OF MINUTES:**

The public minutes of October 7, 2020 were approved.

**NEW BUSINESS:**

***Carried from September 9, 2020 (Part Two)***

**Application P20-002**, 459 Bloomfield LLC & 5 Central Caldwell LLC (applicant), 459 Bloomfield Avenue, Block 36 Lots 5 & 6

Preliminary Site Plan Approval, Site Plan Approval & Variance Relief

Mr. Robert Gaccione introduced himself again as legal counsel for the applicant.

Mr. Gaccione gave a brief introductory statement:

- The Board heard the first part of testimony for the applicant on September 9, 2020 and the meeting was adjourned until this evening. Previously, testimony was given by Mr. Cimera (applicant), Mr. Stewart (Surveyor & Engineer), Mr. Haines (architect), and Mr. Staigar (Traffic Engineer/Expert).

- An issue was raised regarding parking for the retail spaces of the property. An Ordinance was passed by the governing body of Caldwell specifying the requirements for the property, however, as a precaution, the applicant is now additionally requesting a parking variance.
- Stated that he would like to bring Mr. Staigar back to continue testimony. He remains under oath.

Mr. Joseph Staigar, Civil Engineer, Traffic Engineer, and Professional Planner, continued his testimony:

- Mr. Staigar stated that the Board had time to review the question of a “buffer zone”. It was identified previously that a 50ft. buffer from a residential zone was required or trees or fencing to act as a buffer. The plan provides for both trees and a 6ft. fence, which should prevent the need for a buffer variance.
- Mr. Staigar stated that concern was raised regarding parking within 5 ft. of the lot line. He stated that the parking that is located underneath the building is at least 5ft. from the property line.
- The applicant will still need to seek de minimis exception from RSIS for parking. The proposal is for one parking space for each residential unit, for a total of 30 spaces, allowed by town ordinance but still a deviation from RSIS standards.
- The retail space on the first floor of the proposed building is approximately 2,757 sq. ft, which would require 15.8 or 16 parking spaces, assuming that 100% of the space is utilized as retail space. There is significant public parking in the area, specifically 53 parking spaces within 400ftl of the property. The plan also proposes 4 additional parking spaces along the front of the property.

Mr. Gardner asks how parking spaces will be protected for the tenants of the building.

Mr. Staigar replied that they could assign a specific space for each tenant or they could post signs that state “parking for tenants only”.

Mr. Gardner asked for clarification on the applicant’s information as some of the plans state “Landmark Real Estate Developers”.

Mr. Cimera stated that 459 LLC is the owner of 459 Bloomfield Avenue and 5 Central LLC is the owner of 5 Central Avenue. He clarified that Landmark Real Estate Developers is the name of his own company.

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

**John Rossman, 10 Central Ave Unit B**, inquired about designated loading and unloading areas and asked if only one dumpster would fit in the enclosure for trash storage and collection. He calculated that an approximated 60 residents would produce roughly 20 yards of garbage a week, which would require 4 collections a week for one dumpster. He also expressed concern about where snow would be placed on the complex during a heavy snowstorm.

Mr. Staigar replied that the issue of loading and unloading zones had not been resolved yet and that the enclosure can hold one dumpster or two if they were placed one in front of the other. With regard to heavy snowstorms, the snow would have to be trucked out.

**Kurt Engherdt, 8 Espy Road**, asked where the entrances and exits would be for the complex. He stated that there are already traffic issues with cars backing up on Bloomfield Avenue. There will now be cars waiting to turn onto Central Avenue from the exit that will have to wait until the light changes.

Mr. Cosgrove stated that while residents may understandably be concerned about the impact on traffic, the Planning Board has no power to deny an application based on off-site parking conditions.

Mr. Staigar stated that the applicant will need to seek approval from the County of Essex as well.

**Joe Albano, 10 Central Avenue**, asked if a separate container for recycling could be made part of the approval process.

Mr. Gaccione stated that his client was agreeable to having a separate recycling container.

**Alex Hsu, 4 Central Avenue Unit E**, expressed concern that pedestrians will also slow traffic in the area surrounding the building.

Mr. Staigar stated that pedestrian traffic was taken into account with their plans.

Mr. Gaccione offered a closing summation:

- The applicant is seeking preliminary and final site plan approval, as well as de minimis exception from RSIS parking, although one parking space per unit complies with the town Ordinance.
- A small variance is needed for parking within 5 ft. of a property line and possibly a variance for parking, if the Board feels that it is required.
- The applicant feels that the fence and tree border satisfies the required buffer.

Discussion ensued between Board Members.

Mr. Cosgrove offered a concluding statement:

- The proposed property is part of a Builder's Remedy Lawsuit, in which the Supreme Court mandates that every town must provide a plan for low-income housing, otherwise, the Courts can divest local governments and boards of their jurisdiction to make decisions regarding planning development in their municipalities.

A motion to approve Application P20-002 was presented by Councilman Rodgers, seconded by Ms. Martin.

Mayor Kelley            yes

Councilman Rodgers    yes

Mr. Mihalik             yes

Ms. Martin                yes

Mr. Gardner	yes
Mr. McGowan	yes
Mr. Byrne	yes

The drafted copy of **Borough Ordinance No. 1392-20**, introduced by the Mayor and Council on September 15, 2020 was distributed to Board Members, with a Public Hearing and Discussion date of December 9, 2020. Public Notice will be sent to the newspaper and posted on the Borough of Caldwell Website prior to the next meeting.

Mr. McGowan made a motion to adjourn, seconded by Mr. Byrne.

The meeting adjourned at 8:30PM.

Respectfully Submitted,

Kim Conlon  
Planning Board Secretary