

**Borough of Caldwell
Planning Board
Special Meeting
April 28, 2021
Minutes**

A Special Public Meeting of the Borough of Caldwell Planning Board was called to order on April 28, 2021 at 7:00PM via Zoom Meetings.

ROLL CALL: Mr. Sandor, Mr. Mihalik, Mr. Gardner, Mr. McGowan, Mr. Byrne, Mr. Mescia, and Mr. Banaszynski. Mr. Trembulak and Mr. Beckmeyer were also in attendance.

ABSENT: Mayor Kelley and Councilman Rodgers.

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 March 10, 2021 were approved.

The public minutes of March 24, 2021 were approved.

The public minutes of April 14, 2021 were approved. Mr. McGowan and Mr. Sandor abstained.

ANNOUNCEMENT

Mr. Mescia announced the postponement of **Application P21-001**, S & S Caldwell Village LLC, 14 Lane Avenue, 18 Lane Avenue, 12 Lane Avenue, and 4 Lane Avenue, until the next Planning Board Meeting, scheduled for May 12, 2021. Mr. Trembulak stated that the Applicant's attorney had been notified that the Applicant would need to re-notice in the newspaper and by certified mail to all property owners listed on the 200 ft radius list at least 10 days prior to the rescheduled hearing date.

NEW BUSINESS

Public Hearing and Planning Board Review of *Borough Ordinance No. 1410-21*, An Ordinance Amending the Borough of Caldwell Redevelopment Plan in Accordance with the Provisions of the Local Redevelopment and Housing Law, introduced by the Mayor and Council on April 6, 2021.

Phil Abramson of Topology provided a brief Power point presentation for the Planning Board Members with background information and a summary of the proposed amendments for review (included as Exhibit A):

He outlined the goals of the Redevelopment as the following:

- To promote investment in the downtown area.
- Propose developments of moderate density to bridge downtown area with surrounding neighborhoods.
- Create realistic housing opportunities within downtown Caldwell
- Emphasize designs that are aesthetically and historically appropriate for downtown Caldwell.

Mr. Abramson provided the following in his presentation:

- A breakdown of the 5 designated subdistricts in the downtown area.
- A timeline sequence for the proposal, adoption, and amendment to Caldwell's Redevelopment Plan.
- Identified the two specific changes or amendments being proposed for the Redevelopment Plan: an amendment to enable public financing for redevelopment projects through the issuance of bonds, and an amendment to modify permitted land uses along some of the side streets connecting to Bloomfield Avenue, by changing the boundaries in subdistricts one, two, and four and adding retail services and stores as a permitted principal use in subdistrict four.
- Outlined one of the Plan's goals as to improve public facilities in town. Explained that amending the Plan allows public financing of these infrastructure projects through the issuance of bonds.
- Mr. Abramson discussed the newly proposed boundaries for each of the five subdistricts.

Mr. Mescia asked if the Redevelopment Plan supersedes any other zoning laws for the Borough?

Mr. Abramson answered in the affirmative. He stated that adopting the Redevelopment Plan has allowed for increased public input and discussion on proposed redevelopment projects and that under the new plan, developers will be required to have an agreement with the town in order to proceed with their project.

Mr. Mescia asked if there wasn't already a checks and balances with the process by the actions of both the Planning and Zoning Boards?

Mr. Abrahamson stated that the Planning Board's role is mostly administrative, in that they enact the rules that the governing body outlines in legislation.

Mr. Trembulak reiterated that the Zoning and Planning Boards hear applications based on the rules or legislation provided by the Mayor and Council.

Mr. Banazynski stated that the Planning Board is obligated to follow the Redevelopment Plan and that their role is only to determine if the proposed amendments to the Plan are consistent with the Borough of Caldwell's Master Plan.

Mr. Trembulak informed the Board that their role tonight was to decide if the proposed amendments to the Redevelopment Plan are consistent with the Master Plan. He explained that even if the Planning Board decides the amendments are not consistent with the Master Plan, the Governing Body can still pass the Amendments by adhering to the proper protocols.

Mr. Banazynski asked Mr. Abrahamson if the Redevelopment Plan overlays or supersedes the Borough's Zoning Ordinances.

Mr. Abrahamson explained that there are still variances, or in this case, "deviations" that are allowed in the Redevelopment Plan. To support small businesses in town, the Plan specifies that certain Applications, which do not require a Site Plan, would follow the traditional zoning process, without having to go through the various steps outlined by the Redevelopment process.

Mr. Mescia stated that based on the Redevelopment Plan Amendments, a restaurant could conceivably open up right next to residential houses on a side street like Smull Avenue, and the Planning Board would have to approve it.

Mr. Abramson responded that the Governing Body could approve a similar proposal without a Redevelopment, just by changing the Zoning Ordinance. The Redevelopment Plan provides a level of protection that prevents developers from building projects "as-of-right".

Mr. Byrne inquired why it was advantageous to expand so far on Smull Avenue.

Mr. Abramson explained that the boundaries for the subdivisions were determined by the location of the last existing commercial property. He referred to page 10 of Exhibit A and indicated that the areas highlighted in red were the new proposed boundaries for the subdistricts.

Mr. Mescia stated that the amendments were allowing commercial businesses, while the current zoning ordinances allow office/professional businesses.

Mr. Gardner asked what precipitated the necessity for adding amendments to the Redevelopment Plan?

Mr. Abramson replied that it was brought to the Governing Body's attention that a business in town was looking to relocate from Bloomfield Avenue to one of the side streets. He added that the OR/C and RD/OP Zones in town already allow for retail and office spaces.

Mr. Mescia inquired if property owners would be notified if their properties were to be incorporated into the redevelopment areas?

Mr. Abramson stated that the town is not required to notify property owners if their properties are included in a redevelopment zone.

Mr. Abramson outlined how the proposed amendments supported the Borough of Caldwell's Master Plan:

- The amendments allow for moderate density and transitional areas adjacent to the Bloomfield Avenue corridor.
- The amendments promote a mix of uses in the downtown area, with a potential for multi-family and commercial properties along tributary streets.
- The amendments promote the improvement of the Caldwell downtown area in both private and public sectors.

Mr. Mihalik asked if property owners should be notified if their properties fall within the Redevelopment Zone just as they are notified with 200 ft. radius notifications of potential construction or projects?

Mr. Trembulak stated that the scenarios are not the same. In this case, there would be no specific development proposal that would require neighbors to be notified.

Mr. Sandor stated that it would still be a positive note on the town's part to send notifications to property owners now being included in the Redevelopment Zone.

Mr. Trembulak stated that the Governing Body could make that determination.

Mr. McGowan asked if there was anything stated in the Borough of Caldwell's Master Plan that was inconsistent with the amendments, specifically with expanding commercial uses in the OR/C Zone?

Mr. Abramson stated that in his opinion, there were no inconsistencies.

OPEN TO PUBLIC:

No public comments.

A motion was made by Mr. Byrne to approve Ordinance No. 1410-21 *An Ordinance Amending the Borough of Caldwell's Redevelopment Plan in Accordance with the Provisions of the Local Redevelopment and Housing Law*, seconded by Mr. McGowan:

Mr. Sandor	yes
Mr. Mihalik	no
Mr. Gardner	no
Mr. McGowan	yes
Mr. Byrne	yes
Mr. Mescia	no
Mr. Banazynski	yes

Mr. Mescia stated that he voted no because he believed that the changes proposed for Brookside Avenue, Smull Avenue, and Central Avenue should be further evaluated. Mr. Mihalik and Mr. Gardner agreed that they voted no for the same reasons.

Mr. Trembulak suggested the Board identify the portions of the amendments that they believe to be inconsistent with the Master Plan and possibly take a vote stating that the proposed amendments are consistent with the Master Plan, except for the areas identified by Chairman Mescia as being the proposed changes to Brookside Avenue, Smull Avenue, and Central Avenue.

A motion was made by Mr. Byrne, and seconded by Mr. Mihalik, to vote on the proposed amendments being consistent with the Borough's Master Plan, except for the proposed changes to Brookside Avenue, Smull Avenue, and Central Avenue, which the Board requests the Governing Body consider keeping the existing permitted uses as outlined in the Zoning Ordinance for the OR/C Zone.

Mr. Sandor	yes
Mr. Mihalik	yes
Mr. Gardner	yes
Mr. McGowan	yes
Mr. Byrne	yes
Mr. Mescia	yes
Mr. Banazynski	yes

The motion passed.

The meeting adjourned at 8:44PM.

Respectfully Submitted,
Kim Conlon
Planning Board Secretary

