



CALD-R0001

March 6, 2023

Borough of Caldwell Planning Board
% Kim Conlon
Borough of Caldwell
24 Smull Avenue
Caldwell, NJ 07006

**Re: Planning Board Application No. RED23-001
The Manor at Caldwell, LLC
Block 41, Lot 7: 26-30 Lane Avenue
Subdistrict V (Residential) - Redevelopment Plan
Planning Review: Preliminary and Final Site Plan Application**

Dear Chairman Byrne and Members of the Caldwell Planning Board:

We are in receipt of revised engineering and architectural plans, as well as other materials in connection with the above Site Plan application. The application is for Site Plan approval of a property that is located within the Downtown Caldwell Redevelopment Area and involves the proposed development of a multi-family structure with associated parking and other improvements.

We offer the following comments on the proposed development and submitted application materials.

Subject Property and Area Description

The subject property is located at 26-30 Lane Avenue and identified as Block 41, Lot 7, on the Borough of Caldwell Tax Map. Lot 7 consists of 48,412 SF (1.11 acres) and is located on the east side of Lane Avenue, south of the Bloomfield Ave. intersection. The subject property is improved with a two-story frame residential dwelling. A detached garage is located behind the dwelling, and a circular drive provides access from Lane Ave. to the back of the dwelling and the garage. A shed is located in the southeastern section of the property. Lot 7 is sloped and vegetated in the area behind the garage. West Caldwell Township is located to the west of the subject property, with Lane Ave. forming the municipal boundary line.

Lot 7 is part of the Borough of Caldwell's Redevelopment Plan, adopted on December 15, 2020, by Ordinance #1394, as thereafter amended. The Redevelopment Plan divides the included properties into subdistricts. The subject property is placed in Subdistrict V, Residential, within the Redevelopment Plan. According to the Plan, Subdistrict V shall be redeveloped to create a moderate density, transitional neighborhood consisting of three-to four-story residential development.

The Borough of Caldwell and the Manor at Caldwell, LLC entered into a Redevelopment Agreement dated December 12, 2022 for the subject property. The agreement states that the Borough has chosen to act on its own behalf as the Redevelopment entity for the purposes of implementing the Borough's development Plan. The agreement further states that the Borough of Caldwell has contracted with the Manor at Caldwell, LLC (the Redeveloper) for redevelopment work at the subject property.

Adjacent to the north of the subject property are residential uses, that are also located within the Subdistrict V (Residential) in the Redevelopment Plan. Further north is a property that is also in the

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Redevelopment Plan and has been approved for a multi-family housing development. Adjacent to the east are multiple single-family dwellings located within the R-A (Residential) Zone. Adjacent to the south are two single-family dwellings located within the R-B (Residential) Zone. Across Lane Avenue to the west are single-family dwellings located within the Township of West Caldwell.

The subject property's location within the Subdistrict V (Residential) of the Redevelopment Plan and a street view of the subject property were included in T&M Associates' First Planning Review Letter dated February 13, 2023.

Proposal

The applicant proposes to remove the improvements on the subject property and construct a multi-family residential building with on-site parking and other associated improvements. The building is proposed to be set back approximately 25 ft. from the front property line. The proposed project includes 44 multi-family residential units, of which nine apartments will be affordable units, in a single building. One point of access from Lane Ave. is proposed. A driveway with a width of 24 ft. will provide both access into and out of the proposed development.

The footprint of the proposed multi-family building contains approximately 22,800 SF. The architectural plans indicate the following bedroom distribution: thirteen (13) one-bedroom units, twenty-nine (29) two-bedroom units, and two (2) three-bedroom units.

The applicant is proposing 50 parking spaces on the Lower Level and 45 spaces on the Ground Floor Level, for a total of 95 parking spaces. Two spaces on each level will be barrier-free parking spaces. The Lower Level also contains a lobby area, mechanical area, and bicycle storage area. The Ground Floor also includes a lobby area and package room. A paver patio, containing approximately 690 SF, is proposed at the back of the building. A note on the revised plans states that 10% of the parking spaces shall accommodate electric vehicle parking spaces when more than 10 parking spaces are being constructed, such as the subject application, and that 15% of the 95 total spaces proposed will be set aside for electric vehicle charging per state requirements.

The Second Floor Plan consists of 14 residential units, a 720 SF community room, and a 3,380 SF terrace. The 14 Second Floor apartments include three (3) one-bedroom units, ten (10) two-bedroom units and one (1) three-bedroom unit. The Third Floor Plan contains 15 residential units, of which four (4) are one-bedroom, ten (10) are two-bedroom and one is a three-bedroom unit. Finally, the Fourth Floor Plan includes 15 residential units, of which six (6) are one-bedroom and nine (9) are two-bedroom units. No three-bedroom units are proposed for the fourth floor. The revised plans indicate that the proposed building will have a building height of 37.27 ft. from average grade to the roofline, and 42.27 feet from average grade to the parapet.

The project includes nine affordable units., which include one (1) one-bedroom unit, six (6) two-bedroom units, and two (2) three-bedroom units, as shown on the revised architectural plans. This bedroom distribution appears to conform with the Uniform Housing Affordability Control (UHAC) requirements. However, the architectural plans must also provide information showing that the required income

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distribution is met, and the location of the proposed affordable units within the floor plans. Pursuant to applicable affordable housing regulations, for nine affordable units, five of the affordable units must be low-income units and four may be moderate income units. As part of the low income requirements, and as stipulated in the New Jersey Fair Housing Act and the Borough's Settlement Agreement with the Fair Share Housing Center, thirteen percent (13%) of all affordable units must be deed restricted as very low income units.

A paver patio measuring approximately 690 SF is proposed for back for the back of the building. A retaining wall and some landscape plantings are proposed around the paver patio. Additional plantings are proposed on the north and south sides of the building as well. Retaining walls are also proposed along the north, south and back sides of the building. Various sidewalks are proposed. A double row landscaped screen enhanced with Norway Spruce and Green Giant Arborvitae is proposed behind the building and the paver patio. Street trees are proposed along the front of the building.

A Google Earth aerial outlining the approximate limits of the subject property and the proposed site improvements was included in T&M Associates' First Planning Review Letter dated February 13, 2023.

Redevelopment Plan

According to Caldwell's Redevelopment Plan, the Borough has determined that the use of redevelopment power is the most effective way to redevelop the properties contained within the redevelopment area. All of the properties that are contained in the Redevelopment Area were first declared an "Area in Need of Rehabilitation" pursuant to Resolution #9-205 that was adopted on September 17, 2019.

On December 15, 2020, the Caldwell Borough Council adopted the Caldwell Redevelopment Plan through Ordinance 1394-20. Subsequent amendments have been adopted to the Plan, with the most recent amendment adopted as Ordinance 1423-21, which the Governing Body adopted on December 28, 2021.

The goals of the Downtown Redevelopment Plan include: promoting economic development, creating expanded and appropriate housing options, promoting a development pattern that supports multiple modes of transportation, introducing high quality architecture and design, and blight eradication.

Permitted Uses

The Borough's Downtown Redevelopment Plan states "In accordance with N.J.S.A. 40A:12A-7(c) and as further specified in the following paragraphs, this Redevelopment Plan shall be considered to both supersede the Borough Zoning Ordinance, in part, and to constitute an overlay district, in part." The Redevelopment Plan is adopted as an ordinance, and that ordinance designates permitted uses and bulk regulations, as well as other requirements, for the properties that are in the Redevelopment Plan. These uses, bulk standards and other requirements are explained throughout this report.

Lot 7 is located within the Borough's Subdistrict V (Residential) of the Redevelopment Plan. Pursuant to section 6.7.2, Subdistrict V of the Redevelopment Plan, permitted uses include multi-family residential use and townhouse use; for both permitted uses, more than one principal building may be constructed

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on an individual lot. The permitted density for multifamily developments in Subdistrict V with a lot area of one acre or more is 40 units an acre. The proposed development is a permitted use pursuant to the Redevelopment Plan.

Bulk and Area Requirements

Pursuant to Section 6.7.6 Subdistrict V of the Redevelopment Plan Overlay Zone, the proposal’s compliance with the bulk and yard standards of the Subdistrict V (Multi-Family) Overlay Zone is as follows:

Bulk and Area Requirements (Subdistrict V Residential) – 6.7.6				
Description	Permitted	Existing	Proposed	Conforming
Minimum Lot Area	15,000 sq. ft.	48,412 sq. ft.	No Change	Yes
Minimum Lot Width	50 ft.	124.50 ft.	No Change	Yes
Minimum Lot Depth	300 ft.	393.3 ft.	No Change	Yes
Minimum Front Yard Setback	22.5 ft.	23.3 ft.	25.67 ft.	Yes
Minimum Side Yard Setback (North)	10 ft.	38.5 ft.	10.13 ft.	Yes
Minimum Side Yard Setback (South)	10 ft.	22.4 ft.	10.06 ft.	Yes
Minimum Rear Yard Setback	30 ft.	290.3 ft.	138.69 ft.	Yes
Maximum Building Coverage	60%	4.8%	46.2%	Yes
Maximum Impervious Coverage	70%	13.7%	56.2%	Yes
Maximum Building Height	4 Stories or 50 ft.	2 Stories / < 30 ft.	4 Stories / 37.27 ft.* 4 Stories / 42.27 ft.**	Yes
Maximum Density (Dwelling Unit / Acre)	40 du/ac	1 du/ac	39.6 du/ac	Yes
Minimum Accessory Side Yard Setback	10 ft.	1 ft. (ENC)	N/A	Yes
Minimum Open Space	*3,300 sq. ft	N/A	3,380 sq. ft.	Yes

(ENC) = Existing Non-Conformity

*Measured from Average grade elevation to roofline.

**Measured from average grade elevation to parapet

***Minimum of 75 sq. ft. per residential unit of open space is required. 75 sq. ft. x 44 units = 3,300 sq. ft.

The existing accessory shed is setback 1 ft. from the rear property line, which is considered an existing non-conformity. However, this shed will be removed as part of the proposed development. Therefore, the proposal is compliant with all bulk and area requirements listed above and pursuant to Section 6.7.6, Subdistrict V of the Redevelopment Plan.

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Design Standards & Other Requirements of the Redevelopment Plan

We offer the following comments on the submitted plans and application materials as compared to the Borough’s Redevelopment Plan requirements. Recommended revisions, requests for additional information, or items that have been provided on the revised plans, are shown in **bold font**.

A. 6.7.7 - Subdistrict Design Standards

1. Transparency: Section 6.7.7. of the Redevelopment Plan requires transparency as follows:

- Ground Floor fronting on any street – minimum transparency of 25%
- Upper Floor fronting on any street – minimum transparency of 20%

Sheet A-4 of the revised architectural plans confirms conformance with these requirements. The proposed transparency figures are listed below for the front façade facing Lane Avenue, and accurate calculations for each floor have been included in the revised architectural plans.

- **First (ground) Floor Transparency – 27.15%**
- **Second Floor Transparency – 23.5%**
- **Third Floor Transparency – 22.5%**
- **Fourth Floor Transparency – 42.5%**

B. 6.8 A & B - Off-Street Vehicular Parking and Bicycle Parking Requirements

1. Pursuant to Sections 6.8A and 6.8B, Subdistrict V (Residential), the required and proposed Parking and Bicycle Requirements are as follows:

Off-Street Parking and Bicycle Parking Requirements – Redevelopment Plan Chapter 6.8A and 6.8B				
Description	Required	Existing	Proposed	Conforming
Minimum 2 / Maximum 3 - Parking Spaces Per Unit	Minimum 88* Spaces / Maximum Spaces 132	2-6 Spaces	95 Spaces (Including 4 ADA Spaces)	Yes
Minimum Electric Charging Stations	10 Spaces**	0 Spaces	10 Spaces	Yes
Minimum 1 Bicycle Parking Space Per Unit (Maximum of 50)	44 Spaces***	0 Spaces	44 Spaces	Yes
EV Charging Stations – N.J.A.C. Section 40:55D-66.20				
Description	Required	Existing	Proposed	Conforming
15% of Total Parking Spaces to be Set Aside for EV Charging Stations	15 Spaces****	0 Spaces	10 Spaces	No

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***Parking Calculations:**

- Minimum Spaces Required: 44 Units * 2 Spaces = 88 Spaces
- Maximum Spaces Permitted: 44 Units * 3 Spaces = 132 Spaces

****Electric Charging Station Calculations (Redevelopment Plan Chapter 6.8A):**

- Minimum Electric Charging Stations: 95 Parking Spaces x .10 = 9.5, rounded to 10 Spaces (105 spaces total if 10 EV parking space credits are applied).

*****Bicycle Parking Calculations**

- Minimum Spaces Required: 44 Units * 1 Space = 44 Spaces

****** Electric Charging Station Calculations (N.J.A.C. Section 40:55D-66.20):**

- Minimum Electric Charging Stations: 95 Parking Spaces x .15 = 14.25, rounded to 15 Spaces

The Parking Requirements Tables on Sheets 1 and 3 of the site plans have been revised to reflect that a total of 95 parking spaces are proposed for the site. A total of 45 parking spaces are proposed for the lower level, and a total of 50 spaces are proposed for the ground floor level. However, four of the 45 proposed spaces that are designated as visitor spaces on the lower level are to be used as a loading space for box trucks when needed, as shown on the plans. The applicant should provide testimony on how visitor parking will be accommodated when these spaces are occupied for loading purposes, and whether sufficient residential parking is provided. Additional testimony should be provided as to whether these four spaces will primarily be used for parking or loading, and the impact of these spaces on the overall parking for the property.

Additionally, the Parking Requirements Tables on Sheets 1 and 3 indicate that the applicant is seeking 10 parking credits for 10 proposed EV charging stations, which brings the total parking spaces proposed to 105 spaces. However, there are no EV charging stations shown on the parking layout (Sheet 3), and the plans do not include construction details for the proposed EV charging stations. The Engineer's response letter states that 15 EV parking spaces will be provided in accordance with N.J.A.C. Section 40:55D-66.20, and the location of these spaces will be determined at the time of construction permitting due to coordination with the MEP drawings and the requirements of the power company. The plans should be revised to include the location of each EV charging station and construction details for same, as well as the required schedule for the installation of EV equipment. The EV parking calculations should be revised to reflect the 15 required spaces as shown in the table above and in accordance with N.J.A.C. Section 40:55D-66.20.

The plans have been revised to include a 20' x 24' (480 SF) bicycle storage space on the proposed building's lower level, and a bicycle rack detail also is provided. As shown on the revised plans and stated in the Engineer's response letter, 4 rack areas are proposed within this bicycle storage space, and each rack area will contain 11 bicycle spaces. Therefore, a total of 44 bicycle spaces are proposed, which conforms with the minimum requirement of the Redevelopment Plan. All bicycle parking is to be located within the 480 SF storage space; no other bicycle parking

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is proposed. However, we note that the revised architectural floor plans still show the original 320 SF bicycle storage space proposed. The architectural plans should be revised to match the current 480 SF bicycle storage area proposed.

2. Pursuant to Subdistrict V section 6.8.B.3 of the Redevelopment Plan:
 - i. *“Where public sheltered/protected bicycle parking is provided, bicycle parking facilities shall be at least as protected and secure as any automobile parking provided.*
 - ii. *“Bicycle parking facilities within an automobile parking area shall be separated by a physical barrier (i.e., bollards, reflective wands, curbs, wheel stops, poles, etc.) to protect bicycles from damage by cars.”*

As shown on the revised plans and stated in the Engineer’s response letter, all bicycle parking will be located indoors within the proposed 480 SF bicycle storage area on the proposed building’s lower level. This storage area is a separate, secure room adjacent to, but isolated from, the proposed vehicle parking area.

3. Pursuant to Section 6.8.B.4 of the Redevelopment Plan:
 - i. *“At least half of bicycle parking when provided, shall be sheltered/protected. This shall, at a minimum, consist of a room within a residential building or workplace, a secure enclosure within a parking garage, or a cluster of bicycle lockers at a transit center or other setup providing similar security and protection from the elements.*
 - ii. *Any required indoor bicycle parking/storage room must be located in a convenient and accessible location to a public sidewalk with no more than four vertical steps between the bicycle room and the sidewalk. Ramps and elevators may be utilized to provide access to bicycle storage not located at the first-floor level.*

The proposed bicycle parking area is sheltered and protected in a separate room on the lower level of the proposed building, as described above. Per the Engineer’s response letter, the bicycle parking area is accessible to the sidewalk on the ground level via ramps. However, the only access ramps shown on the revised site plans are those used for the proposed vehicular circulation between the ground and lower level, which requires cyclists to traverse to lower and ground floor vehicular parking areas to access the sidewalk. The revised architectural plans show a proposed elevator leading to the lower level, which is adjacent to the bicycle parking area, however this is not reflected on the revised site plans.

Testimony should be provided regarding access to the proposed bicycle parking area, and whether the sidewalk can be accessed without the need for cyclists to traverse both parking areas, which may pose safety concerns. Testimony should also be provided regarding other, more accessible locations for the bicycle parking area, which will not require the need for cyclists to traverse both levels of the vehicle parking area. The site plans should also be revised

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to include the location of the elevator that is shown on the architectural plans and is adjacent to the bicycle parking area.

4. If the applicant is proposing outdoor bicycle parking, it must be in compliance with the requirements contained in Section 6.8.B.5 of the Redevelopment Plan. **No outdoor bicycle parking is proposed, therefore the requirements per Section 6.8.B.5 are not applicable.**

C. 6.9 – Loading & Unloading

1. **The plans have been revised to include a loading area encompassing four of the proposed visitor parking spaces, as described in Item B.1. above.**

D. 6.10 – Alleyways

1. **As confirmed in the Engineer’s response letter, no alleyways are proposed. We note that alleyways are not required for the subject property’s location within the Redevelopment Plan.**

E. 6.11 – Access, Circulation & Traffic Study

1. The applicant submitted a Traffic Study. We offer the following comments on the study and circulation in general.

The Traffic Impact Study references the new construction that was recently approved to the north of the subject property. Testimony should be provided on whether traffic generated from the northern development was included in the analysis for the subject property.

The applicant should provide testimony on pedestrian circulation and safety in the parking area. The plans do not include any pedestrian crossing markings.

The applicant shall provide an overview of the traffic analysis and all circulation patterns.

The proposed parking lot includes spaces at the end of the aisles that could be challenging to enter or exit. In addition, a turnaround area is not proposed at the ends of the aisles.

Testimony should be provided on whether the proposed parking is sufficient to accommodate the anticipated number of residents and guests.

Testimony should be provided on the proposed parking space size and conformance with ordinance requirements. A deviation may be required.

We note that due to time constraints at the February 15, 2023 Planning Board hearing, traffic and circulation testimony were not provided. The applicant has stated that testimony regarding the related items above will be provided by the Project’s Traffic Engineer at the next Planning Board hearing.

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F. 6.12 – Subdistrict-Wide Design Standards

We offer the following comments on the submitted plans and application materials as compared to the applicable Borough's Redevelopment Plan requirements for the Residential Subdistrict. Recommended revisions, requests for additional information, or items that were addressed in the revised plans are shown in **bold font**.

1. 6.12.A.1: No blank walls are permitted, and it none are proposed as confirmed on the revised architectural plans. **No further comment.**
2. 6.12.A.2: Building Facades: No unfinished cement block shall be permitted. Building facades shall be designed to indicate a clear sense of entry to the building. The path from the street to the building entrance should be clear and welcoming. **Testimony to be provided by the Project Architect at the next Planning Board hearing.**
3. 6.12.A.3: Rooftop Appurtenances: Rooftop Appurtenances such as but not limited to, HVAC equipment, elevator housing, exhaust pipes, water meters and other mechanical equipment are to be fully screened from the view as measured from 5 feet above grade at the property line(s) parallel to the far side of the adjacent right-of-way." **The applicant should provide testimony regarding the screening of the proposed HVAC units, generator, roof hatch and elevator hatch, to confirm they are fully screened from view, measured from 5 feet above grade at the property line, parallel to the far side of the adjacent right-of-way. Pending the applicant's testimony, a deviation may be required. Testimony to be provided by the Project Architect at the next Planning Board hearing.**
4. 6.12.A.4: Stepback: The plans indicate the 8 ft. building setback is met. **Testimony regarding conformance with this item to be provided by the Project Architect at the next Planning Board hearing.**
5. 6.12.A.5: Floor to Floor Height – Maximum 9 ft., which appears to be met. **Testimony regarding conformance with this item to be provided by the Project Architect at the next Planning Board hearing.**
6. 6.12.A.7: Awnings/Canopies: The applicant is not proposing any awnings or canopies, however they are encouraged within Subdistrict V. **Testimony regarding conformance with this item to be provided by the Project Architect at the next Planning Board hearing. No awnings/canopies are proposed per the Engineer's response letter.**
7. 6.12.A.10: Cornices: Cornices and eaves may project no more than two (2) feet from the side of the building. **The applicant should provide testimony regarding the proposed cornice and eave projection distances from the side of the building. Additionally, the applicant should revise the architectural plans to include the same. Pending the applicant's testimony, a deviation may be required.**

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8. 6.12.B: Amenity Space equal to 75 SF per residential unit is required. The amenity space shall be available to each unit and may consist of a variety of options, including terraces. The applicant is proposing a 3,380 SF terrace. **Testimony should be provided on the proposed terrace space and provide additional information on its general appearance and its accessibility to all residents. The terrace slightly exceeds the required 3,300 SF required size (44 units x 75 SF/unit = 3,300 SF). The applicant has stated that testimony regarding compliance with this item will be provided by the project's Architect at the next Planning Board hearing.**
9. 6.12.C: Signage: All projects within the Redevelopment area shall comply with the signage requirements of the Borough's Zoning Ordinance. The site plans do not indicate any proposed signage for the proposed multi-family residential building. **The applicant has stated that no signage is proposed. However, testimony should be provided on how the proposed development will be identified from Lane Avenue as no signage is proposed.**
10. 6.12.D.: Lighting – The submitted plans provide limited lighting information. Testimony needs to be provided and there is the potential for necessary plan revisions as follows.

i. *“Developer shall propose a palate of fixtures and finishes for lighting that are modern, human-oriented and imaginative.*

The Lighting Plan on Sheet 5 of the site plans has been revised to include the location of the proposed streetlights. However, the applicant has stated that there was insufficient time to obtain a light level analysis, and that illumination calculations will be provided to the Borough for approval prior to construction. The plans should be revised to include existing and proposed lighting calculations. Also, the palate of fixtures and finishes for lighting should be provided to the Board members for their review.

ii. *Lights are to be fully enclosed/shielded, full cut off fixtures to prevent light spillage onto off-site properties or upward into the sky. All lights are to be dimmable and capable of control by timer. All lighting shall be directed away from all adjacent lots.*

A note on the plans indicates this requirement will be met.

iii. *Non-essential lights shall be turned off between the hours of 11:00 pm and 5:00 am.*

A note on the plans indicates this requirement will be met.

iv. *Safety lighting is required on structures. All wiring shall be laid underground.*

All wiring will be laid underground for the proposed safety lighting. The project architect should provide additional testimony confirming compliance with this item.

v. *“Cobra” type lighting fixtures shall be prohibited except where required to provide appropriate foot candles at pedestrian walkways.*

No cobra lighting is proposed. However, testimony should be provided to show conformance, and a note should be added to the plans confirming this item.

vi. *Maximum mounting height of all lighting fixtures shall be no more than twelve (12) feet.*

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A note has been added to the plans confirming that the maximum mounting height for onsite exterior lights will be 12 feet. However, testimony should be provided to show conformance.

vii. *No flashing, laser, searchlight, strobe, tracing, pulsating, or neon exterior lighting is permitted.*

Per the Engineer's response letter, none of the lighting listed above is proposed. However, testimony should be provided and a note should be added to the plans to show conformance.

viii. *Outdoor lighting levels and illumination shall meet the following average maintained horizontal footcandles measured at average point of illumination between 4 and 5 feet above grade:*

- *Property Line (Maximum): 0.5 footcandles at property line and 3.0 footcandles at sidewalk frontage.*
- *Sidewalks and public spaces: 1 – 3 Footcandles.*
- *Parking, Bicycle Parking, and Driveway Area: 1 – 3 Footcandles:*
- *Building Entrances: 5-7.5 Footcandles in Subdistrict V.*
- *Building Façade (Maximum): 5 Footcandles in Subdistrict V."*

Testimony shall be provided on the above requirements, and the plans shall be revised as needed. A note on the plans indicates that lighting levels shall be calculated and provided prior to construction. We recommend that testimony be provided on lighting levels for the Board's review and consideration as part of the Site Plan review. Lighting is an important consideration to the proposed development and surrounding area.

11. 6.12.E.1: Sidewalks – Sidewalk at least 6 ft. in width is required along Lane Ave. The sidewalk is provided in front of the proposed building which is no less than 6 ft. wide.
12. 6.12.E.2: ADA Compliance: ADA Compliant tactile pavers shall be used to define the edge of any service drive or driveways. Tactile pavers shall be installed to the same standards required by ADA at the base of public sidewalk curb ramps and should indicate to pedestrians that they are entering the driveway. **Sheet 3 of the site plan has been revised to include 3' wide, ADA compliant tactile paving stones on each end of the proposed driveway.**
13. 6.12.E3: Street Lights. Street lights are to be provided at a minimum of 60 ft intervals along all public streets and near bicycle and pedestrian facilities accessible to the public and should be no taller than twenty ft. **The Lighting Plan on Sheet 5 of the site plans has been revised to include a note indicating that the maximum mounting height for the proposed street lights shall be 20 feet. A total of two street light fixtures are proposed, which are spaced approximately 101.5 feet apart. The Lighting Plan should be revised to include the proposed mounting height of the two street light fixtures.**
14. 6.12.E4: Crosswalk & Pedestrian Crossings: Crosswalk treatment shall be designed to maximize visibility. Warning signage shall be installed as necessary. Crosswalks shall be a minimum of (10) feet in width. **We recommend the applicant revise the site plans to include a crosswalk from the**

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proposed multi-family residential building across Lane Avenue for access to the crosswalk on the west side of Lane Avenue. The Engineer's response letter states that due to Lane Avenue being a County Road, this item will be discussed with the Essex County Planning Department to determine if there are any objections to this crosswalk.

15. 6.12.E7: Bollards: Bollards may be required and are encouraged where curbs are flush with the roadway. **This requirement appears to be more appropriate for nonresidential uses. The Engineer's response letter states that no bollards are proposed for this project.**
16. 6.12.F1 & F2: Trash Receptacles & Outdoor Public Seating: Trash receptacles are to be provided... along pedestrian walkways... Seating is to be provided along pedestrian pathways and near shade trees. Redeveloper shall propose a palette of furniture, fixtures and finishes for seating that are modern, human oriented and imaginative. **The Landscaping Plan on Sheet 5 of the plans has been revised to include 4 trash receptacles along the proposed building's Lane Avenue frontage adjacent to the proposed walkways along the side property lines. It appears that 3 benches are also included adjacent to the sidewalk along Lane Avenue, however these are not labelled. The plans should be revised with the proposed outdoor seating labelled, and construction details of the proposed outdoor seating and trash receptacles should be provided. Testimony should also be provided on potential seating in the paver patio area.**
17. 6.12.G.1: Street Trees: Pollution resistant street shade trees are to be planted along both sides of the street, at regular intervals of 25 ft. on center.
 - *Street trees shall have cast iron tree grates which are supported by the adjacent sidewalk structures.*
 - *Brick or Belgian block pavers at the perimeter of tree pits shall be permitted where the architecture requires special treatment.*
 - *Rain gardens and /or bioswales in tree pits are encouraged.*
 - *Trees shall be a minimum of 3.5 inches caliper measured at eight inches above grade.*
 - *Tree irrigation bags must be installed and maintained for at least six months after planting.*
 - *Locations that are not reasonable feasible due to lack of sun exposure, conflicts with utilities or other challenges may replace the requirement to provide street trees with alternative plantings or streetscape design.*

The Landscaping Plan on Sheet 5 has been revised to include notes addressing the items above. The proposed street trees (Honey Locust and Japanese Zelkova) are considered pollution tolerant trees. Testimony should be provided on whether rain gardens and /or bioswales in tree pits are proposed, and a note should be added to the plans confirming this item.

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18. 6.12.G2: Landscaping: Landscaping, rain gardens and bioswales are encouraged to the greatest extent practicable.

- *Shrubs shall be planted at a minimum of 2'6" on center.*
- *All driveways shall provide landscape buffering of at least three (3) feet wide.*
- *All parking areas shall provide landscape buffering of at least four (4) feet wide or solid fence. This shall exclude sight lines.*

A note has been added to the Landscaping Plan on Sheet 5 that the proposed shrubs will be planted a minimum of 2.5 feet apart.

The site plans do not indicate a landscape buffer of at least 3 feet in width along the proposed driveway. The applicant has stated that as the driveway is lined with tactile paving stones per ADA standards, any landscape buffering along the driveway would interfere with accessibility to the driveway. A lawn area is proposed on each side of the driveway adjacent to the tactile pavers, and each lawn area contains two proposed ornamental shade trees. We defer to the Board as to whether a deviation is required for this item.

As all parking areas are located inside the building; therefore, landscape buffering is not required for the proposed parking areas.

Testimony shall be provided to show conformance with the other items, where applicable.

The applicant should provide testimony to confirm whether any tree removals are proposed. If trees removals are proposed, then the applicant should revise the site plan accordingly. Existing vegetation and trees should be shown on the Landscaping Plan.

The applicant should revise the site plans to include additional plantings along the southern property lines, front of the building and the retaining walls. Additional testimony should be provided regarding whether the plantings proposed are shade tolerant, especially those proposed on the north side of the building.

The plans should indicate the type of evergreen shrubs, seasonal annuals and perennials proposed for the planting bed along the southern property line.

19. 6.12.G.3: Fences & Walls: Fences and walls shall not exceed three ft. in any front yard or six ft. in any side or rear yard. Walls shall be constructed of stone, brick or any other material that the Board deems to create a positive aesthetic. Chain link fences are prohibited.

The revised plans do not show any fences proposed. Testimony should be provided regarding any fences proposed for the site.

A construction detail of the proposed Alan Block retaining wall has been provided on Sheet 7 of the plans, however the height of the proposed wall is not shown in the detail or on the plans. The plans should be revised to include the total height of the proposed retaining wall.

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G. 6.13: Utilities

1. 6.13.A.1: All utilities (including transformers, HVAC, generators, telecommunication equipment) shall be located in a way that is visually unobtrusive. Utilities shall be placed within the interior of the principal structure if feasible. Otherwise, utilities shall be located to the rear or side of the principal structure where such locations are infeasible inside. **The applicant is proposing to locate 51 HVAC units, as well as the generator and elevator bulkhead on the roof of the proposed structure. The applicant shall provide testimony, and if necessary, exhibits, at the public hearing that confirm that the rooftop utilities are visually unobtrusive and any screening proposed. The applicant has stated that testimony regarding compliance with this item will be provided by the Project's Architect at the next Planning Board hearing.**
2. 6.13.A.2: Distribution lines for all utility systems shall be placed underground. **Testimony should be provided to confirm that all distribution lines for the proposed utility systems are proposed to be placed underground as confirmed in the Engineer's response letter.**
3. 6.13.A.3: All easement(s) shall comply with Borough requirements. Exact locations for utility lines and easements shall be established at the time of preliminary site plan approval. **The Engineer's response letter and a note on Sheet 3 of the plans both indicate that no easements are proposed.**
4. 6.13.A.4: Existing above ground utilities shall be incorporated into the underground systems as improvements are undertaken. **The applicant shall provide testimony in support of the guideline. The Engineer's response letter states that all existing above ground utilities will be incorporated into the existing underground systems, including electric, gas and TV/internet service.**
5. 6.13.A.5: Cost sharing methodology shall be defined in the redevelopment agreement for each respective parcel...the methodology shall account for any and all previous infrastructure contributions made by the redeveloper related to the implementation of the Redevelopment Plan. **The Project Planner shall provide testimony in support of the guideline.**
6. 6.13.A.6: Remote readers for all utilities...are preferred. **The applicant shall provide testimony on this guideline.**
7. 6.13.B & C: Water and Sewer and Stormwater. **We defer all water and sewer requirements to the Borough Engineer.**
8. 6.13.D: Refuse:
 - *Refuse shall not be located in any required front yard or buffer.*
 - *All outdoor refuse shall be visually screened within a durable, non-combustible enclosure, so as not to be visible from adjacent lots or sites, neighboring properties or streets.*
 - *Screening may be accomplished through the use of planting buffers, fences or walls, and shall be high enough to screen these structures.*

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Sheet 3 of the plans has been revised to include a separate trash room and a separate recycling room, both of which are located within the building's ground level parking area. The applicant should provide testimony and revise the site plans to include the dimensions, screening, quantity, and details of the refuse area. The refuse area should conform to the Redevelopment Plan requirements.

Testimony should be provided on how garbage and recycling pick up and storage will be handled.

Additionally, the floor plans do not indicate a trash chute or garbage room. Therefore, the applicant should provide testimony on the method of garbage removal from the residential units to the trash enclosure.

Affordable Housing

The proposed 44-unit development includes a 20% affordable housing set-aside. Nine of the units will be affordable to moderate- and low-income households pursuant to all applicable affordable housing regulations and Court decisions. The affordability component of the proposed development conforms to the Redevelopment Plan requirements; Section 6.14 of the Redevelopment Plan requires that all new multifamily developments of five or more units include a 20% set-aside.

The affordable housing requirement is also contained in the Redeveloper's Agreements. Section 4.07 of the Agreement states that, "(A) Redeveloper has committed nine (9) affordable housing units as part of the Redevelopment Project. Redeveloper further agrees to provide such affordable housing units pursuant to all applicable UHAC regulations, statutes, or otherwise, including but not limited to the regulations of the New Jersey Department of Community Affairs (hereinafter, the "Affordable Housing Laws"). Redeveloper shall, at its sole cost and expense, provide such affordable housing units within Caldwell within the time required by the Affordable Housing Laws."

Approval Process

The Borough's Redevelopment Plan describes the process for an application to be heard by the Planning Board for Site Plan approval. As stipulated in Section 7.5 of the Plan, prior to any submission to the Planning Board, the redeveloper shall submit an application package to the Borough Council for review and approval. Pursuant to the Redevelopment Plan, the Council review of the submitted materials is required prior to submitting a Site Plan to the Planning Board and execution of a redevelopment agreement. It is noted that Caldwell Governing Body Resolution #12-253, which designates the Manor at Caldwell as the redeveloper for the subject property states that, "Whereas, the Project is in substantial compliance with the terms of the Redevelopment Plan..."

The list of items to be submitted to the Council is included in Section 7.5B of the Redevelopment Plan; those items have been submitted for the Site Plan application and all have been reviewed for consistency and completeness with respect to the Redevelopment Plan. All of the required documents contained in Section 7.5B have been submitted. We note in this report where there are deficiencies or instances where more information and/or details are needed with respect to the submitted materials.

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General Planning Comments

Recommended plan revisions are included throughout the body of this report. We note the following additional comments on the submitted plans and application materials.

1. The application is for Site Plan approval of a property that is located in a Redevelopment Area.
2. The applicant shall provide testimony on the building height calculations to show conformance with the Redevelopment Plan's height regulations. Testimony should be provided on whether the architectural drawings need to be revised to reflect the height difference. **The building height has been calculated at 37.27 feet to the roof line, and 42.27 feet to the parapet. Sheet 1 of the plans has been revised to include these calculations. Sheet 4 of the plans has been revised to include the location of the spot elevations included in the height calculations on Sheet 1. The revised architectural plans do not reflect these calculations and should be revised accordingly. Testimony should be provided on the building height calculations.**
3. Testimony should be provided on how deliveries to the site will be handled. **Sheet 3 of the revised plans shows one loading/unloading area encompassing four visitor parking spaces on the ground floor. As stated in the Engineer's response letter, this loading area can be reserved by tenants moving in and out of the building. Testimony should be provided regarding the type of directional signage proposed for this area as it relates to both the loading/unloading zone and visitor parking uses proposed.**
4. Testimony should be provided on the entity responsible for snow removal and garbage and recycling pickup. **As stated in the Engineer's response letter, parking is proposed under the building; therefore, snow plowing is not required on this site as snow will mostly fall on the roof of the building. Snow removal from the access driveway will be removed by management and/or the building superintendent using hand and power tools. Refuse and recycling removal will be done by private contractor using a pickup truck. Refuse will be prepared and organized by management and/or the building superintendent prior to pick up. Refuse and recycling will be transferred from the refuse room to the pickup truck by the private hauling company and taken off site.**
5. The applicant should provide testimony regarding the route to access the proposed patio area. **Sheet 3 of the revised plans includes proposed concrete sidewalks on both sides of the building approximately 4 ft. in width. Testimony should be provided as to whether these sidewalks will be ADA accessible, as multiple stairways are shown on each sidewalk and there appears to be no other access point provided from the building.**
6. The applicant should provide testimony and revise the site plans to include all interior and exterior building materials with the make, model, and color. **Testimony to be provided by the Project Architect at the next Planning Board hearing.**

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7. The applicant provided a rendering of the front of the building. We recommend that renderings of the other building sides be provided as well. **The revised architectural plans include renderings of both side building elevations; however a rendering of the rear building elevation has not been provided. A rendering of the rear building elevation should be provided that includes the proposed terrace area.**
8. We defer to the comments from the Caldwell Environmental Commission regarding landscape plantings. We also recommend that applicant explore opportunities for additional landscape plantings exists, both to improve the visual appearance of the development and to provide additional buffering opportunities. **Sheet 5 of the plans has been revised to include additional landscape plantings and tree planting boxes along the front façade of the building. The proposed landscaping bed on the south side of the property should be revised to show the location of all evergreen shrubs, seasonal annuals and perennials proposed. These plantings should also be included in the Plant List on Sheet 5.**
9. The total number of onsite parking spaces should be clarified. The bulk table references 99 parking spaces, but it appears that 97 are proposed (47 on the Ground Level and 50 on the Lower Level). **Sheet 3 of the revised plans now shows a total of 95 on-site parking spaces, including 4 visitor spaces which will also serve as a loading/unloading area.**
10. The front yard setback is calculated as a prevailing setback of all properties within 200 ft and located on the same side of the street and within the same zone district. The applicant should provide the analysis that was used to calculate the required front yard setback of 22.5 ft. **Sheet 2 of the revised plans includes an Existing Setbacks Table which includes the front yard setbacks of all lots along Lane Avenue within a 200 ft. radius. The average setback calculated is 22.2 ft, therefore the proposed setback of 22.5 conforms with this requirement. Testimony should be provided on the properties included in the calculation and the resulting setback analysis.**
11. The applicant should provide testimony on whether any portion of the roof is proposed as a deck or other recreation area. **Testimony to be provided by the Project Architect at the upcoming Planning Board hearing.**
12. The total number of electric vehicle parking spaces should be clarified and conformance with the Redevelopment Plan requirements should be explained. **Sheet 3 of the revised plans indicates that that 15 EV parking spaces will be provided, but their locations are not shown on the plans. The location of these spaces will be determined and provided at the time of construction permitting as prior coordination with the MEP drawings and PSE&G requirements. The plans should be updated accordingly.**
13. The proposed building exceeds 200 ft. in length. The applicant's architect is encouraged to consider and provide testimony on design elements that help to minimize the mass of the building. **We recommend that additional fenestration and/or window treatments be provided, especially on the side elevations facing the adjacent residential properties on each side of the building of the building. Testimony to be provided by the Project Architect at the upcoming Planning Board hearing.**

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14. Several of the lintels are mismatched on the southern side elevation rendering. **Testimony should be provided regarding the color scheme of the lintels proposed, along with the overall color scheme of each building façade.**
15. We recommend that the architectural plans be revised to include a summary table. The table should list the number of units by bedroom distribution for each floor of the proposed building. The number and bedroom allocation of each affordable unit should also be identified by floor. **The architectural plans have been revised to include a summary table on Sheet A-2. A total of 13 one-bedroom, 29 two-bedroom, and 2 three-bedroom apartment units are proposed.**
16. Testimony shall be provided on the proposed location of the affordable apartments, as well as the bedroom and income distribution. The nine affordable units should consist of one (1) one-bedroom unit; three (3) two-bedroom units, and two (2) three-bedroom units. The remaining three affordable units may either be two- or three-bedroom units. **The architectural plans have been revised to include an affordable unit breakdown on Sheet A-2. One (1) one-bedroom unit; six (6) two-bedroom units, and two (2) three-bedroom units are proposed. However, the plans should be revised to include the income distribution of the proposed affordable units, i.e. which of the affordable units will be deed restricted as moderate, low and very low income units. The location of the affordable units must also be provided to ensure that the affordable units are interspersed throughout the building.**
17. Testimony should also be provided on the income breakdown of the affordable units, both generally and by bedroom distribution. **Testimony to be provided by the Project Planner at the next Planning Board hearing.**
18. The applicant shall provide testimony that the proposed affordable units will be deed restricted for 30 years. **Testimony to be provided by the Project Planner at the next Planning Board hearing.**
19. Testimony should be provided on the entity that will be responsible for contracting with an Administrative Agent for marketing and tenant selection of the affordable units. **Testimony to be provided by the Project Planner and Project Attorney at the next Planning Board hearing.**
20. Additional analysis is needed for the fiscal impact statement. At a minimum, a source for the multipliers should be provided. It is assumed that the document, "Who Lives in New Jersey Housing," prepared by the Rutgers Center for Urban Policy Research and dated November 2018 was used, which should be confirmed in the analysis. The analysis should also clarify the table from the Rutgers report from which the multipliers were selected. It is also noted that the fiscal impact analysis does not include any municipal costs in its analysis; this should be explained and further detail may be needed. **The Engineer's response letter indicates that testimony will be provided by the Project Planner at the next Planning Board hearing. We recommend that the Fiscal Impact Statement be revised to include, at a minimum, the missing source and table references.**

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21. Prior to final approval, evidence of all required outside agency approvals or letters of no interest should be submitted to the Board professionals, including, but not limited to:
 - a. Essex County Planning Board;
 - b. Borough Environmental Commission.
 - c. Borough Fire Official
 - d. Borough Traffic Safety Division; and,
 - e. Any and all agencies having jurisdiction over this application.
22. We defer to the Board Engineer regarding grading, drainage, and utilities.
23. Prior to final approval, the applicant shall address all required Borough fees, permits, and required approvals.

J. Materials Reviewed

1. Borough of Caldwell Planning Board Application, consisting of 15 pages, dated December 13, 2022;
2. Caldwell Borough Council Resolution #12-253 adopted on December 6, 2022;
3. Borough of Caldwell Redevelopment Plan prepared by Philip A. Abramson, AICP/PP, Leigh Ann Hindenland, AICP/PP, and Golda Speyer, AICP/PP of Topology LLC., consisting of 54 pages, adopted December 15, 2020, last amended November 2021;
4. Traffic Impact Study prepared by Joseph Staigar Engineering, LLC, dated November 27, 2022;
5. The Manor at Caldwell Fiscal Impact Statement prepared by Jeffrey Stiles, AICP/PP, dated November 21, 2022;
6. Redevelopment Agreement for A Portion of the Redevelopment Area in the Borough of Caldwell, Essex County, New Jersey, consisting of 54 pages, dated December 12, 2022;
7. 26-30 Lane Avenue Architectural Renderings, consisting of one (1) sheet, unauthored and undated;
8. Preliminary and Final Site Plans for The Manor at Caldwell Block 41, Lot 7 prepared by Patrick D. McClellan PE. of MCB Engineering Associates, LLC., consisting of nine (9) sheets, dated November 28, 2022, **and revised to February 22, 2023;**
9. Architectural Drawings of The Manor at Caldwell Block 41, Lot 7 prepared by Stephen Corso, Architect LLC., consisting of four (4) sheets, dated October 3, 2022, **and revised to February 17, 2023. These plans are neither signed nor sealed.**
10. **Transmittal Sheet prepared by Thomas S. Scrivo, Esq. of O'Toole Scrivo, LLC, consisting of one (1) page, dated February 24, 2023; and,**
11. **Response Letter prepared by Patrick D. McClellan, PE, of MCB Engineering Associates, consisting of eight (8) pages, dated February 22, 2023.**

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H. Applicant's Team

1. Subject Property Owner and Applicant: Landmark Real Estate Developers, LLC., 8 Orchard Square, Caldwell, NJ 07006.
2. Applicant's Attorney: Thomas P. Scriver, Esq., 14 Village Park Road, Cedar Grove, NJ 07009. Telephone: 973-239-5700.
3. Applicant's Engineer: Patrick D. McClellan, P.E., 11 Furler Street, Totowa, NJ 07512, Telephone: 973-812-6680.
4. Applicant's Planning Consultant: Jeffrey Stiles, P.P., 220 Headquarters Plaza, West Tower, 2nd Floor, Morristown, NJ 07960, Telephone: 201-602-0865.
5. Applicant's Traffic Engineer: Joseph Staiger, P.E., 17 Tremont Drive, East Hanover, NJ 07936, Telephone: 973-585-7102.
6. Applicant's Architect: Steven Corso, R.A., 676 Bloomfield Avenue #1, Bloomfield, NJ 07003, Telephone: 973-566-6004.

Should you have any questions, please do not hesitate to contact us.

Sincerely,



CAROLINE Z. REITER, PP, AICP
CALDWELL INTERIM BOARD PLANNER
T&M PLANNING GROUP MANAGER

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