

BOROUGH OF RIVER EDGE
LAND USE BOARD
MEETING MINUTES
COUNCIL CHAMBERS
December 2, 2020

Zoom - Meeting called order at 7:30 p.m.

Roll call please:

Mayor Papaleo – Here
Chairman, James Arakelian - Here
Vice Chairman, Dick Mehrman - Here
Lou Grasso - Here
Ryan Gibbons - Here
Michael Krey – Here
Eileen Boland – Here
Chris Caslin- Here
Alphonse Bartelloni – Here
Dario Chinigo – Here
Gary Esposito – Absent

ALSO PRESENT:

Marina Stinley, Esq.
Mr. Behrens

Chairman Arakelian made the required announcement concerning the Executive Orders 103 and 104 Open Public Meetings Act and N.J.A.C. 5-39-1.1 to 1.7: Adequate notice of this meeting has been displayed on both the bulletin board at Borough Hall, and published in the Record and Ridgewood News for the people who are interested in this meeting. The meeting is being recorded electronically through ZOOM. No flag salute. No fire exits to worry about.

Completeness Review

Mr. & Mrs. Jakupi - 830 Park Avenue, Block 213, Lot 1301 – Proposed in ground pool and paved walkway.

Mr. Behrens – He has reviewed the application materials and they are sufficient to move forward this evening and determines it complete.

Ms. Stinley – She has reviewed the applicants documents and proofs and everything meets the requirements of the Municipal Land Use Law and the Board has jurisdiction to proceed.

Motion to accept as complete – So moved, Mr. Gibbons; Second – Mr. Mehrman. Roll call – Mayor Papaleo – yes; Chairman Arakelian – yes; Ms. Boland – yes; Mr. Bartelloni- yes; Mr. Mehrman – yes; Mr. Grasso – yes; Mr. Krey – yes; Mr. Caslin – yes; Councilman Chinigo – yes and Mr. Gibbons - yes. The application is complete.

New Business

Mr. & Mrs. Jakupi - 830 Park Avenue, Block 213, Lot 1301 – Proposed in ground pool and paved walkway.

Applicants are sworn in.

Applicants originally were going to put in an above ground pool but because of a retaining wall and other issues, i.e the security and safeness of the project they decided the best option was an in ground gunitite pool which has rebar which is more secure and will not have an impact against the retaining wall. Then they realized the property was not big enough for the pool therefore they needed a variance.

Mr. Behrens – there is one variance being requested and that is the improved lot coverage variance. The lot has an improved lot coverage of 38% which is about 3% over the maximum permitted 35%. As it stands today the maximum permitted is 35%, the site today has 38% and they will be going to go a little over to 48%. What that translates to numbers wise, is the pool and patio will add another 825 square feet raising the total above the maximum permitted to 1,112 square feet. There are two ways a Board can approve a C Bulk Variance; (1) C1 physical features test – wherein an applicant demonstrates some form of hardship that they cannot comply with town's zoning ordinance requirements. Something preventing them from submitting a conforming application, in this case an above ground pool versus an in ground pool; (2) C2 public benefits test – wherein the applicant must demonstrate that there is a public benefit of the application which outweighs any detriments of the application and further they have to address the negative criteria by showing that there will be no substantial detriments to the public good and no substantial impairment to the town's Master Plan and zoning ordinance. The condition the applicant is offering to the Board is 3% of the coverage so that brings it to 45% over where 35% is the maximum.

Ms. Stinley inquires as to a second seepage pit. The applicants already have two seepage pits and they are suggesting a third.

Applicants professional Raymond Moraski of Kestner & Associates, 61 Hudson Street, Hackensack, New Jersey. The applicants comply with everything other than the maximum lot coverage which is the 35% that's allowed as indicated right now the applicants have pre-existing condition at 38.5% and the application will be around 48.5% with the pool and walkway around it.

The pool has been placed so it meets the required setbacks for a pool. Kestner & Associates are aware of the geo grid that's installed and the construction of the retaining wall as they were previously involved in that project. So the pool has been placed so they would anticipate that it would not interfere with the geo grid that's been installed and respects the required setbacks. They are also aware and it shows on the plan the two existing seepage pits so the plan is trying not to disturb those as well by placing the pool where it is. The applicant is also amenable to place some landscaping to enhance the area and the view for the neighbors.

Chairman Arakelian opens up questions to the Board.

Mr. Caslin asks – from an engineering position is there any issue with the seepage pit overflowing does that somehow affect the construct of the pool going forward from a maintenance standpoint and does it create any situations where it could interfere with the pool and create an unsafe situation. He also inquired as to the slope from the patio area several feet down towards the top of the wall.

Mr. Krey – two questions the pool size and the concrete walk around the pool. The concrete walk around the pool on the south side is obviously the wider path than the other three sides is there something that drives that out of necessity? (The applicants express that they wanted a sitting area and that is the reason). Question two – a little overlap on the seepage pit with the 16 x 32 pool would you consider looking at a smaller size on the pool? Mr. Krey is looking for ways to make the ground coverage a little more palatable in reducing the size of the walkway and the size of the pool.

Mr. Behrens – The applicants have offered a discount in the impervious coverage of 3%, a reduction of 240 square feet. The pool area itself is 512 square feet and that would be taken out of the overage of 825 square feet. So the resulting impervious coverage from the pavers would be 313 square feet and that translate into roughly 4 or 5%. His suggestion is that the applicants do better with regard to the paving.

Mr. Grasso – His concern was the weight of the water 10 feet from the wall and if there would be any effect of the integrity of the wall.

Mr. Bartelloni – Inquired as to what size above ground pool the applicants were considering. Applicants responded similar size, rectangular. He suggests getting the pool closer to the patio.

Ms. Boland – She suggests reducing the patio to keep the pool the same size. She doesn't see a hardship in moving the existing seepage pit as the yard is going to be excavated for the pool anyway.

Mr. Moraski explains to the Board that the proposed design was based on compliance with the setback requirements for the pool and looking at possible eliminating a conflict with the seepage pits. Applicants suggest 2 feet around the concrete walkway and loose 4 feet giving a 1 to 1.5% reduction.

Councilman Chinigo - Can the spa be moved? The applicants have no other place to put it. Councilman Chinigo suggest the area north of the proposed pool. Inquires as to how the excavators are going to enter the property. Asks the professional if the concrete walkway around the pool is structurally necessary.

Mr. Behrens – He is trying to compare the site plan to an aerial view of the site and something is not jiving well. Essentially the back of the house to the fence area shows a distance of about 37 to 40 feet. On the site plan the distance is 37 feet, from the aerial image measured its about 23 feet so something is amiss. Mr. Moraksi feels the aerial view is off as there are several overhangs and it dates back to 2014 but he is happy to review that and clarify but he believes the site plan reflects the correct information.

Chairman Arakelian suggests that whatever transpires at this meeting with the Board, it will be subject to review by the Borough Engineer so the Board can (a) get the Borough Engineer on board with any discrepancies and more importantly if there is water displacement, he will be in charge that it is done properly.

Mr. Gibbons – His concern like the other Board members is that its a lot of extra coverage. He believes the applicant is asking for a lot and that the applicants need to find ways to either reduce the patio that is already there and/or make the pool smaller.

The applicant asks the Board what the acceptable percentage would be for the Board to be comfortable with.

Mayor Papaleo – Wants to know why there are two seepage pits if it wasn't that the original building was over, was it due to some other feature of the property or the slope of the land. Mr. Moraski believes that because this was a vacant lot at the time, it was all new impervious. So to handle that increase in impervious it required two seepage pits to handle the anticipated volume that the Borough requires for the design. Mayor Papaleo questions why the contractor went over the 35% as to the patio. The applicant explains that the pavers are delivered on a pallet, there is a certain square footage on each pallet, they were away when the contractor was doing the pavers and when they returned the realized they used all the pavers and that eventually they would have to remove some of them and when they made the decision to put in the pool they decided to rectify the situation now. Hence, if nothing happened with the variance they would rectify the situation themselves. They don't want to be above the allowed coverage and they don't want to be in non-compliance. The contractor did not know and they just used everything that was on the pallet. The mayor also questions fire pit over the seepage pits.

Mr. Krey inquires as to permits and if there were permits pulled for this project. Mr. Behrens believes there were but he cannot attest to any inspections that may or may not have occurred, but he believed there was an application at some point. The mayor requests that Mr. Behrens speak to the Building Department and the BA and investigate as to why it was signed off on.

Mr. Mehrman – Goes over previous questions and testimony. Shares the same concerns as the other Board members of the going over of the allowed 35%, the 48 1/2% that is currently proposed is way beyond his personal threshold. He asks Mr. Moraski if his firm was the firm that recommended the additional seepage pit. Mr. Moraski testified that he told the applicants that based upon the outcome of what was approved that would determine how much of a capacity or volume that would be required by what is currently out there. Mr. Mehrman suggest putting the shallow end of the pool at the north end so they are not as deep in the ground and that would create perhaps less conflict or

interference with the existing installation. He inquires as to the amount of reduction in the existing impervious coverage, the last he heard was 3% reduction of the total. Mr. Moraski states that based on his quick calculations that he has made due to the comments made by the Board he believes that the proposed coverage now would be down to 43%, so that is 5 1/2% less than what the initial proposal was. Mr. Mehrman advises Mr Moraski that the Borough Engineer will most likely want a stability statement on the existing retaining wall for any surcharges of the pool itself. Mr. Merhman further goes over his thoughts on the application should the Board allow the application which will be addressed in the Motion on this application.

Chairman Arakelian – He believes that the Board is hearing inherited problems that they are going over and over again, that the builders that are building new homes or refurbishing homes are maxing out the coverage and then handing it over to a homeowner and not explaining that they will not be able to do anymore renovations, additions etc., unless they go before a Board and then they go before the Board and the Board is held to the fire. The Board understand the applicants need for a pool but the Board has laws that they must follow and when the Board makes exception to those rules they have to be in the best interest of the Borough. Chairman Arakelian wants to put together a committee to research how the Board can stop builders from maxing out properties without letting potential buyers know, by either lessening the amount they can build so if a potential buyer wants to put in a patio they can do so without going way over the numbers that are allowed.

Mayor Papeleo brings up a discrepancy on the plan regarding the existing coverage on the application which is before him which shows 38.0 and Mr. Moraski quoted 3.5 or 3.7 so going back which should not have occurred is not 3.5 or 3.57 is only 3. He wants to make sure that its not being padded because both documents he has the application and large plan say that the current existing is 38% so giving back what should not have occurred is not 3 ½ but 3. Mr. Moraski testifies that the application below the bulk table is a breakdown of existing impervious coverage which is a more precise calculation.

Mr. Behrens - Sees the discrepancy on the plan the application is still okay because the applicant noticed for the maximum relief being sought which isn't necessarily the existing condition.

Ms. Stinley advises that the publication and the notice did reference the 48.7%. Chairman Arakelian requests that Mr. Moraski state for the record what the reduced area of coverage that he is proposing now is. Mr. Moraski responds – that based on the modifications that have been discussed the applicant would be proposing a maximum coverage area of 43.% Chairman Arakelian asks the applicants for the record if they are okay with the revisions that are bring discussed. The applicants are okay with the revisions.

Motion to open to the public – So made, Mr. Mehrman; Second – Mr. Grasso. All in favor – aye. Any opposed any abstained. No one from the public is present. Motion to close to the public – So made - Mr. Gibbons; Second – Mr. Grasso. All in favor – aye. Any opposed any abstained.

Motion on this application – So moved – Mr. Mehrman. Mr. Mehrman makes a motion to the Land Use Board of River Edge that the Jakupi application - 830 Park Avenue, Block 213, Lot 1301 grant variance approval for approved lot coverage for the installation of an in ground swimming pool

and that the submission for the building permit contain a letter stating that the pool installation will not effect the stability of the existing retaining walls and that the applicants engineer submit impervious coverage calculations and disposal detail calculations to the Borough and that a new seepage pit be installed to receive the excess runoff beyond the maximum permissible 35%, that the maximum improved lot coverage does not exceed 43% and that the submitted documents regarding site work, pool, drainage and so forth be reviewed by the Borough Engineer and during installation of the seepage pit and the appurtenances for drainage. The Borough Engineer will make an inspection and submit a final report to the Building Department and that the Building Department will not issue a Certificate of Occupancy for this until the Borough Engineer has approved the final installation. Install lower landscaping to absorb some of the surface moisture that's going to be running off of that hill. Mr. Mehrman offers this Motion to be discussed by the Board and amended if necessary. Second – Mr. Bartelloni. Roll Call - Mayor Papaleo – yes; Chairman Arakelian – yes; Ms. Boland – yes; Mr. Bartelloni- yes; Mr. Mehrman – yes; Mr. Grasso – yes; Mr. Krey – yes; Mr. Caslin – yes; Councilman Chinigo – yes and Mr. Gibbons - yes. Motion passes.

Chairman Arakelian goes over upcoming calendar and applications coming up.

Motion to adjourn – So moved, Mr. Gibbons; Second Mr. Mehrman.

Meeting adjourned.