

BOROUGH OF RIVER EDGE
LAND USE BOARD
COUNCIL CHAMBERS
WEDNESDAY, APRIL 18, 2018

MEMBERS PRESENT:

James Arakelian, Chairman
Lou Grasso
Mayor Edward Mignone
Ryan Givens
George Sederias
Chris Caslin
Dario Chinigo
Richard Mehrman
Michael Krey

MEMBERS ABSENT:

Dr. Jeffrey Gerwitz
Eileen Boland

ALSO PRESENT:

Mark Skerbetz, Zoning Officer

Minutes Prepared by
Dorothy Bernice

The Chairman announced that he had spoken to the Engineer and the Planner and advised them that they need not be present for the meeting because there was nothing to concern them.

The first order of business is to memorialize the resolution for Miss Jane Shushunov, 738 Bogart Road, this was an application which asked for relief of the front yard setback for the covered porch addition. There were no questions or discussion by the board. Mr. Mehrman and Mr. Chinigo were not at the April 4th Meeting and are therefore ineligible to vote. Mayor Mignone moved the motion to approve and Mr. Caslin seconded the motion. The Board voted as follows:

James Arakelian	Yes	Mayor Mignone	Yes
Lou Grasso	Yes	Ryan Givens	Yes
George Sederias	Yes	Chris Caslin	Yes
Michael Krey	Yes		

The motion was carried.

The next order of business was a completeness hearing on Robert and Nicole Gilmartin's 359 Fifth Avenue application. Mr. Skerbetz commented that he had not seen the plan submitted with the application and could not confirm they were the same as the plan he had written the letter of denial. He was given a set of plans and confirmed they were indeed the same. Mayor Mignone asked if Mr. Gilmartin would confirm that no construction has begun on this project. Mr. Gilmartin said he would confirm that nothing had been started. Mr. Gilmartin supplied the Affidavit of Service and Poof of Publication. The Board Attorney deemed them appropriate and the application itself was appropriate so the Board had jurisdiction over the application. Mayor Mignone moved that the application be deemed complete and Mr. Grasso seconded the motion. The Board voted as follows:

James Arakelian	Yes	Mayor Mignone	Yes
Lou Grasso	Yes	Ryan Givens	Yes
George Sederias	Yes	Chris Caslin	Yes
Michael Krey	Yes	Richard Mehrman	Yes
Dario Chinigo	Yes		

Mr. Gilmartin was advised that the Board would hear his application as this time. Chair Arakelian advised that this was the application of Robert and Nicole Gilmartin

359 Fifth Avenue

Block 905 Lot 8

They were seeking a lot coverage variance to install two paver patios in the rear yard.

Mr. Robert Gilmartin asked the Board to allow him to have 45% lot coverage rather than 35% which is allowed. There is a slight slope to the backyard there would be stone steps connecting one patio to the other. Water runoff and drainage issues were addressed six years ago by installing a new storm drainage system. Gilmartin said he included that in with his application so the board would have no concerns over those items. There was a question from the attorney regarding the survey that was submitted with the application which showed two patios. Gilmartin said they did not currently exist they were superimposed on the survey so the board would know where he was planning to put them. Mehrman said he still had a problem with the survey as he asked how long Mr. Gilmartin had lived in his house and he was advised that he has resided in his home since 2009. Mr. Mehrman then asked him why he had a survey done at the end of 2017. Gilmartin said he was told he had to have a new one. Mehrman asked if that was common practice and Mr. Skerbetz and the Board Attorney advised that if site work was being done they usually request a survey that is no older than a year. The Board Attorney asked if the schematic submitted by Bergen Landscaping dated September 2017 was the plan Gilmartin was proposing. Gilmartin said yes. The Attorney marked the survey as A-1 and the schematic as A-2. Mr. Skerbetz commented that this is about the third drawing that has been submitted. There were some problems with a retaining wall and different things which I could not discern to make the proper calculations but I am now satisfied that this is correct and they have worked with me on this. Mr. Arakelian asked if there were any questions. The Mayor asked if the house was renovated when Gilmartin moved in or if he did the renovations. Gilmartin said the renovations were done. The Mayor asked if there were any variances for the home and Gilmartin and Skerbetz both indicated they did not know if there were any. The mayor commented that with 8 ft. and 7 ft. side yards, there must be existing variances. He also questioned how the total impervious coverage was calculated with his calculations indicating only a 6% increase and Mr. Skerbetz's indicating an 11%. He asked if there was a way for him to know how the calculations were done. Mr. Skerbetz said that in the future he could provide a chart showing the existing and the proposed which would be helpful. The Mayor thanked him for the suggestion and said it would change the way he looked at variances. In this case Mayor Mignone said his calculations put it slightly under the permitted coverage and with the proposed it would be more than allowed but not as much as indicated. The Mayor also asked about the former drainage system and Mr. Gilmartin said he knew when he had overflows of the system that it was not adequate. He continued that the over flow keys are what led them to do the new work and we dug deeper and discovered some mistakes which the previous owner had made and remediated it. There are two chambers of concrete 4 feet high and 4 feet in diameter. Mr. Mehrman is the storm system under the proposed patio and Gilmartin said no. Can the patio run off into the system that you've installed and he was advised that they are in separate sections of the yard. He asked if there were yard drains and he was advised that there were not. He asked if there were currently problems with run off and Mr. Gilmartin said not since he put in the new system. The Mayor commented that if this were new construction the storm water system would have been even bigger. Mehrman asked regarding the storm system was under the patio. Gilmartin said it was not and he also said there were no yard drains and no problems or complaints from the neighbors. Pulled out the plastic storm drains and installed concrete storm drains and had crushed stone around them. Gilmartin said the property has a very gradual slope of two feet. The boulder wall is about two feet and it supports the patio. The fence at the rear of the property is about 6 feet tall and goes all around the back of the property. A board member

suggested the pitch of the patio be directed toward the storm chambers. The Mayor mentioned that he would not want to see the upper patio disperse toward the neighboring property. Mehrman suggested it be added to the resolution and he suggested the area between the edge of the pavers have a one foot area of crushed stone vertical layer it would be in the ground. Also planting along the property line would be helpful as well. Mr. Gilmartin had no problem complying with the suggestions. The meeting was open to the public and Ms. Schlomann, 356 Valley Road, behind the and below the Gilmartin's. She testified that she had pictures that show what is behind the fence. Pictures were taken on Monday, April 16, it was a day of torrential rainfall. The pictures were passed around to the board members and the Zoning Officer. Ms. Schlomann said the yard has always been wet but she wanted to make sure it didn't get worse. To give the board a sense of where the pictures were taken she said the white fence is Mr. Gilmartin's fence. She said that Mr. Gilmartin's house is huge and it is a little piece of property. Chairman Arakelian explained that the applicant had a right to appear before the board for a variance. The minimum setback is 5 feet and they are well beyond that the Zoning Officer noted. Gilmartin said the run off goes to the right side and your property is going to the left. He also said that he will be taking down the swingset. The Mayor suggested that the landscaper grade the property so the run off doesn't go onto the neighbor's property. There is an existing water problem and Mr. Gilmartin would not be able to eliminate it. There was some discussion of how to determine that the work caused the existing condition to be worse. The Mayor noted that Gilmartin agreed to all the conditions which would mitigate any water drainage off this site. Chairman Arakelian moved that the board approve the application with provision that the applicant submit a plan showing that the patio slope be graded toward the vertical crushed stone layer between the boulders and the patio pavers and the rear yard be regraded to reduce the surface run off away from the property at 356 Valley. He also suggested that no permit be issued until the borough engineer reviewed the plan to insure that the provisions suggested do keep any run off from the neighboring property. The Engineer should be inspecting during construction to insure that it is completed with no additional run off on the neighboring properties and approve the site before a Certificate of Approval is given to the applicant. Councilman Chinigo seconded the motion.

James Arakelian	Yes	Mayor Mignone	Yes
Lou Grasso	Yes	Ryan Givens	Yes
George Sederias	Yes	Chris Caslin	Yes
Michael Krey	Yes	Richard Mehrman	Yes
Dario Chinigo	Yes		

The application is approved. The Mayor asked that Mr. Skerbetz confirm the coverage numbers before next meeting and a clean copy of the original sealed survey be submitted. The resolution will be memorialized at the May 2nd meeting. Mr. Gilmartin thanked the Board.

Mr. Arakelian noted that the New York Market application is being carried until the May 2nd meeting. Mr. Skerbetz noted that there had been some clean up on the site but some of his comments were

inaudible as he was not speaking close into a microphone. RSM Trading will be coming up for site plan approval for a patio and a food license. Also the NJ Historic Association with a new museum and something where Bergen Batting is. The Zoning part of this board will be busy. Mr. Mehrman noted that regarding 65 Route 4 West – that the borough engineer was to review the lighting and the monument sign is still there. Mehrman also said that they had still not received an annual zoning report. There was no further business and the board was adjourned.

