

TOWNSHIP OF SADDLE BROOK PLANNING BOARD

Following are the minutes of the Saddle Brook Planning Board's Regular Meeting, held on Tuesday, April 16, 2019.

1. FLAG SALUTE

2. ROLL CALL: Mr. Ambrogio, Mr. Browne, Mr. Compitello, Mr. Hickey, Mr. LaGuardia, Councilman Gierak (left at 8:30), Mr. Verile, Mayor White and Mr. Cook - PRESENT
Mr. Maniscalco, Mr. Mazzone and Mr. Camporeale - ABSENT

Also present were Stephen Pellino, Board attorney and Chris Briglia, Board engineer.

3. CHAIRMAN ANNOUNCES – OPEN PUBLIC MEETINGS ACT

4. REVIEW AND RECOMMENDATION

Ordinance #1656-19

Mr. Pellino – This is an ordinance that the Council referred to the Planning Board, as they are required to do by statute. The Planning Board is required to review it to make recommendations to see if 1.) we find it consistent with the Master Plan, which in this case it is a nonissue and to make whatever other recommendations the Planning Board sees fit. The sentiment at the last meeting was that we wanted to get the opinion of some of the professionals and come back tonight and review it. It's been called to my attention that we have an existing Swimming Pool ordinance, Section 183-5.D. that says "All in-ground pools and all surrounding concrete or paved areas shall not be counted as improved lot coverage and shall be classified as detention/retention areas. All paved areas shall be graded toward the pool."

Mr. Ambrogio – In 2010, the Planning Board reviewed the ordinance for lot coverage. At that time, total lot coverage allowed was increased to 44%, with it broken down to maximum building coverage 26% and accessory coverage 18%. In the ordinance, it said what was included. At the end of that ordinance, there was a caveat that said "Any existing ordinance which is inconsistent with the foregoing ordinance is amended or repealed, as necessary, to the extent of such inconsistency." Section 183-5.D. was no longer to be used.

Mr. Pellino – If we assume it was repealed then we're dealing with Council's referral of the ordinance which would make pools not count as impervious again if a detention pit is installed or that the ordinance is superfluous and we're dealing with the ordinance that may have been repealed, which pretty much says the same thing, although it doesn't mention a detention pit. At the last meeting, we mentioned that completely exempted pools from impervious coverage may not be a good idea.

Mr. Briglia – I find the whole notice of separating the lot coverage from building coverage and maybe even having another definition for impervious surface confusing. It's convoluted. I think they're all impervious. The impervious coverage definition has an inconsistency with the pool ordinance and its definition. I think we have a good stormwater management ordinance. I think certain determinations like this, ought to be contained in there, separate from your pool ordinance. Grading the area around a pool does not go into the pool. If the Township chose to, you could credit a pool for a certain amount of detention if it has enough room for it. In this case, I'm looking at impervious area as you're covering the ground with something that water cannot infiltrate. We're not talking about building stormwater runoff or increasing it or increasing volume. We're talking about taking away the ability of the ground to soak up the water and that's what a swimming pool does along with every other impervious surface. Mixing the

installation of a seepage pit, in lieu of getting a variance for additional lot coverage doesn't work well. I think it should be separate. A seepage pit may not work. I don't like the way the proposed ordinance is written.

Mr. Hickey – They should allow a pool to be a retainage tank.

Mr. Briglia – It does have that quality for the area of the pool only, not for the rest of the property and not for the area surrounding area of the pool.

Mr. Hickey – In my opinion, the pool area shouldn't be counted as impervious coverage because water fills in the pool.

Mr. Briglia – It is covering the ground where no water can get into that portion of the ground. We're also worried about the rest of the property. When you're talking about a bunch of small properties, it adds up downstream.

Mr. Ambrogio – Because there is some retention in the pool, could we give it a percentage just for that area, like we do with pavers. What percentage would you recommend?

Mr. Briglia – I've seen other towns give 50%. I think that is a lot.

Mayor White made a motion; seconded by Councilman Gierek to open the meeting to the public. All in Favor – YES

Dominick Galluzzo, 145 Nedellec Drive came forward.

Mr. Galluzzo – A pool should not be counted as lot coverage at all. I've done excavation for 40 years. I've been doing pools for 20 years. Seepage pits need to be a minimum of six feet deep, but in this town, you hit water at four feet. It's a waste of time. If you measure from the concrete, bullnose, etc. to the top of the water, you have twelve inches. Last summer, my pool did not overflow even during heavy storms. I believe the pools that have been installed on my block have changed the water table. The pools are catching the water. I believe pools improve water problems. I also think that pavers should be considered 100% because of the use of permasand, which is impervious.

Mr. Pellino – Just so you know, this board is only going to make a recommendation. The actual ordinance will be made by Council.

Mr. Browne made a motion; seconded by Mr. Verile to close the meeting to the public. All in Favor – YES

Mr. Hickey – I really believe the pool catches the water.

Mr. Cook – I'm thinking that the pavers may be more of a problem than a pool now.

Mr. Ambrogio – Pavers can be done with sand, which works. However, if weeds come in, people fill between the pavers in with permasand. It's hard to monitor.

Mr. Ambrogio – No one disagrees that a pool catches water; however, the amount of dirt taken out to put a pool in has an effect on the drainage. That can be seen in the stormwater management video we were asked to watch.

Mayor White – I think Tony had the right idea. You don't want to consider it totally impervious because it does retain water.

Mr. Ambrogio – We just need to figure out what percentage we think is acceptable.

Mr. Pellino - It's okay if you want to recommend a specific percentage, but it's also okay to give it back to the Council. They have an engineer who can help them fix a percentage.

Mr. Hickey – Is this for only inground pools, not above ground?

Mr. Ambrogio – We would use it for both.

Mr. Hickey - Can you say inground pool has a percentage that captures it, but above ground maybe not at all?

Mr. Pellino – Sure.

Mr. Ambrogio – I think what Mr. Galluzzo was trying to say is that if someone wants to put a pool in, most of the time because of the size of the lots, they're going to have to go for a variance for lot coverage. If we counted it as zero, maybe more people would put in pools. I don't believe that would be good for the town. I think it would be prudent to give a percentage. Mr. Pellino – Drainage is not the only reason you may want to limit lot coverage. The way things look is a factor.

Mayor White – I think the way the system works right now is pretty good. Residents go before the Zoning Board if they really want a pool and most of the time, the Board grants it with conditions, such as a seepage pit.

Mr. Hickey – I think above ground pools should get 35% credit and inground pools 50%.

Mr. Ambrogio – The Board usually approves pools. I think recommending 50% lot coverage for the pool would be good.

Mr. Cook – So our recommendation would be to change the proposed ordinance to 50% and eliminate the provision for the surrounding area coverage.

Mr. Ambrogio – And eliminate the seepage pit. We should also eliminate Section 183-5D of the code.

Mr. Briglia stated that he thinks above ground and inground pools should be credited equally and he would not advise crediting more than 50%.

Mr. Pellino – Our recommendation would be that the ordinance existing as drafted is not recommended. We would recommend that the surface of the pool be counted as 50% impervious coverage, for either above or below ground. Surrounding areas of concrete would be 100% coverage. We recommend repealing Section 183-5D. We recommend that this is not inconsistent with the Master Plan.

Mr. Browne made a motion; seconded by Mr. Verile to recommend to the Council that 1.) their form of ordinance be disapproved; 2.) both above and inground pools count as 50% coverage; 3.) surrounding areas count as 100% coverage, 4.) Section 183-5D be repealed, and 5.) the ordinance is not inconsistent with the Master Plan.

VOTE: Mr. Ambrogio, Mr. Browne, Mr. Compitello, Mr. Hickey, Mr. Laguardia, Mr. Verile, Mayor White and Mr. Cook – YES

5. MINUTES

Mr. Browne made a motion; seconded by Mr. Cook to approve the minutes of the March 19, 2019 meeting.

VOTE - Mr. Ambrogio, Mr. Browne, Mr. Compitello, Mr. LaGuardia, Mayor White and Mr. Cook

6. RESOLUTION

Mr. Ambrogio made a motion; seconded by Mr. Browne to adopt the resolution of site plan approval for Advance Auto Parts, 101 Route 46, Block 405, Lot 12. VOTE: Mr. Ambrogio, Mr. Browne, Mr. Compitello, Mr. LaGuardia, Mayor White and Mr. Cook – YES

7. COMMUNICATIONS

Ms. Kapner – DEP requires all members to watch the Stormwater Management video. The link was emailed to all members. Also, Financial Disclosures are due April 30th.

Mr. Pellino – We will have a special Planning Board meeting on May 9, 2019 at 7:30 regarding the redevelopment of 55 Mayhill Street (the old Home Depot site).

Mr. Browne made a motion; seconded by Mr. Verile to accept and file the communications. All in Favor – YES

8. VOUCHERS

Mr. Hickey made a motion; seconded by Mr. Verile to pay the following vouchers, provided funds are available:

Carroll Engineering, 03/07/19, Michael Guttuso, \$839.50

Carroll Engineering, 03/07/19, 270 Market, LLC, \$2,701.00

Carroll Engineering, 04/03/19, T-Mobile Northeast, LLC, \$1,095

Carroll Engineering, 04/03/19, Advance Auto Parts, \$1,131.50

Carroll Engineering, 04/03/19, Mayhill Assoc., LLC, \$219

Basile Birchwale & Pellino, LLP, 04/03/19, Redevelopment of 55 Mayhill St., \$500

VOTE: Mr. Ambrogio, Mr. Browne, Mr. Compitello, Mr. Hickey, Mr. LaGuardia, Mr. Verile, Mayor White and Mr. Cook - YES

9. OPEN AND CLOSE THE MEETING TO THE PUBLIC

Mr. Browne made a motion; seconded by Mr. Hickey to open the meeting to the public. All in Favor - YES

No public participation.

Mr. Browne made a motion; seconded by Mr. Verile to close the meeting to the public. All in Favor – YES

10. ADJOURN

Mayor White made a motion; seconded by Mr. Browne to adjourn. All in Favor - YES

Meeting adjourned 9:10 p.m.

Respectfully Submitted,

Jayne Kapner
Planning Board Secretary