

BOROUGH OF RIVER EDGE
LAND USE BOARD
MEETING MINUTES
COUNCIL CHAMBERS

September 4, 2019

MEMBERS PRESENT: Chairman, James Arakelian
 Vice Chairman, Dick Merhman
 Lou Grasso
 Eileen Bolan
 Thomas Papaleo
 Chris Caslin

Nylema Nabbie, Attorney

MEMBERS ABSENT: Mr. Gibbons
 Mr. Krey
 Alphonse Bartelomi

ALSO PRESENT: Thomas Behrens, Planner

Pledge of Allegiance.

Chairman Arakelian- Adequate notice of this meeting is provided by posting on the bulletin board at Borough Hall to the news, the record into submissions by all parts of the town, the same as provided by law scheduling, including the date and time of this meeting. I would like to remind all members of the public that we have three fire exits, one here behind me, over there and one behind you. In addition, we're being recorded both audio and video for purposes of creating a record during the public portion, any member of the public wishing to speak, all they need to do is identify themselves for the record and give their name and address and you can make a formal statement.

Roll call please: James Arakelian, Chairman ó here
Dick Merhman, Vice Chairman ó here
Ms. Boland - here
Mr. Grasso- here
Mr. Caslin - here
Thomas Papaleo - here

Absent: Mr. Bartelomi
Mr. Krey
Mr. Gibbons

Chairman Arakelian ó We have several Resolutions to go first. The first one is Mr. Han, 382 Windsor Road, Block 809, Lot 38 and they were approved for a driveway expansion with lot coverage ó and I believe these were all put in order so ó it will be the first one on your desk. Any comments, any concerns? Can I have a Motion to approve this Resolution? So moved ó Councilman Papaleo ó do I have a second? Mr. Grasso. And the voters would be ó I believe ó so its just the three of us voting Mr. Grasso, Mr. Aakelian and Councilman Papaleo. Ms. Nabbie ó Councilman Papleo ó yes; Chair Arakelian ó yes; Mr. Grasso-yes. Motion passed.

Chairman Arakelian ó okay the next one up is Lesser ó 708 Millbrook Road, Block 305, Lot 40. They got a deck and some impervious coverage relief, and the Resolution is in front of everybody. Any comments any concerns. The three votes again will be Councilman Papaleo, Mr. Grasso and Mr. Arakelian ó Mr. Mehrman - I think I might have been here ó Mr. Arakelian ó I don't think so. Councilman Papaleo ó he was. Ms. Nabbie ó I have Councilman Papaleo, Chair Arakelian, Mr. Grasso, Mr. Krey, Mr. Mehrman and Mr. Gibbons Chairman Arakelian ó sounds good. Mr. Mehrman ó so I'll make a Motion to accept it, Second ó Councilman Papaleo. Councilman Papaleo ó yes, Chairman Arakelian ó yes; Mr. Grasso ó Yes; Mr. Mehrman ó yes.

Chairman Arakelian ó okay next up. Brian and Ann Connor, 501 The Fenway, Block 813, Lot 4 renovation and addition to an existing dwelling. This was approved at the last meeting. Councilman Papaleo ó so moved. Second ó Mr. Grasso. Ms. Nabbie ó Councilman Papaleo ó yes; Chairman Arakelian ó yes; Mr. Grasso ó yes.

Chairman Arakelian ó No we're going to the completeness review -let me explain this procedure. Each applicant is going to be called up individually, they are going to explain what they looking to accomplish quickly, then we will go to our professional planner Tom over there, and he will in concert with our attorney let us know if the application is complete and ready for review and once that vote is complete you will go back your seat and then we will call the next people up and go through that process again until completeness is done and then we will start calling up the applicants.

So, the first applicant will be Mr. Seth Queller, 243 Valley Road, Block 1103, Lot 24, to install a canopy over a patio. Lot coverage variance requested. Tom ó canopies. Mr. Behrens ó Well basically it's a roof covering over a rear patio ó Chairman Arakelian ó oh so it's not one of those collapsible ó Mr. Behrens ó no it's not retractable it's a fixed canopy. So, it exceeds the permitted lot coverage or building coverage. Mr. Arakelian ó okay so why don't you just let us know what it is you want to accomplish. Mr. Queller ó okay so we're just trying to get a little more coverage as far as from sunlight and such and to just have that coverage so our family can just sit outside and not have the sun beating down on us. Mr. Behrens ó we have enough information to proceed. Ms. Nabbie ó no comment ó I did receive though I know we're not deemed as complete do you want me to hold my comments on the (inaudible) notice? Chairman Arakelian ó no. Ms. Nabbie ó I had the opportunity to review the notice that was published and served by the applicant and everything seems to in order, it does meet the minimum requirement of the municipal land use law and it's my opinion that this Board has jurisdiction over the application if the Board is inclined to deem it complete tonight and schedule it for public hearing. Chairman Arakelian ó wonderful ó I'll entertain a motion to approve this for completeness ó so moved Councilman Papaleo, second ó Mr. Mehrman. Councilman Papaleo ó yes; Chairman Arakelian ó yes; Ms. Boland ó yes; Mr. Mehrman ó yes; Mr. Grasso- yes and Mr. Caslin - yes. Chairman Arakelian ó okay then you can go back to your seat.

So next up is the Yeshiva of North Jersey, 666 Kinderkamack Road, Block 616, Lot 9, to construct a playground. Mr. Barrett ó basically what we're talking about is installing a swing set in a more advanced version as they do today in an area that is currently used by the children in the lower grades, so it's going to be leveled off and playground equipment installed. No variance is requested nor is one necessary. Chairman Arakelian ó strictly site plan. Mr. Barrett yes. Mr. Behrens ó I don't have any issues at this point. I think you brought the site plan. Mr. Barrett ó We submitted one. Ms. Nabbie - Mr. Arakelian ó I had an opportunity to review the application that was published by counsel for the applicant. it does meet the minimum requirement of the municipal land use law and it's my opinion that this Board has jurisdiction. Chairman Arakelian ó I'll accept motion to deem this complete. So, moved - (?) second by Ms. Boland. Ms. Nabbie ó Councilman Papaleo -yes; Chairman Arakelian ó yes; Ms. Boland ó yes; Mr. Mehrman- yes; Mr. Grasso ó yes; and Mr. Caslin. Chairman Arakelian ó we do have some minor applications that are coming up so we're going to move you back a little bit.

Chairman Arakelian ó okay next up is Alostaz Yousef - hello sir ó 288 Voorhis Avenue, Block 701.01, Lot 7 and Mr. Yousef is looking for a building addition driveway expansion and retaining wall. Multiple variances requested. Good evening sir. So, give us a little ó Mr. Yousef - yes that's what I'm trying to do ó the driveway is rising like 5 feet and 30 feet from the street ó I'm not getting younger, I'm getting older so this in the winter is a hazard. So, what I'm trying to do is to excavate it all the way down to street level and then build a 4 foot retaining wall. So, by doing that I am like 1% above the coverage and the retaining wall is about 1 foot above. Mr. Behrens ó We have enough information to proceed. Ms. Nabbie ó The notice that was published and served by the applicant was appropriately noticed for tonight's hearing and this Board has jurisdiction over this application. Chairman Arakelian ó I will entertain a Motion to move this forward - Mr. Mehrman ó So made ó second ó Mr. Caslin. Councilman Papaleo ó yes; Chairman Arakelian ó yes; Ms. Boland ó yes; Mr. Mehrmen ó yes; Mr. Grasso ó yes and Mr. Caslin ó yes. Okay we'll see you in a few minutes.

Chairman Arakelian ó Mr. David Leonardo, 547 Monroe Court, Block 701, Lot 7 proposed dwelling expansion and driveway expansion lot coverage and setback variances require ó Good Evening. You don't look like a David. I am Susan Berman Architect representing ó we are expanding a very small and narrow entry at the front of the house. We are going to do a very small covered entry ó the garage right now is forward and currently in a pre-existing non-conforming and we are going to slightly - before that approve the height and we are expanding the driveway. Chairman Arakelian - okay. Mr. Behrens ó Well you heard the gist of it we have enough to proceed, so we're good to go. Ms. Nabbie - The notice that was published and served by the applicant was appropriately noticed for tonight's hearing, it does meet the minimum requirement of the municipal land use law and this Board has jurisdiction over this application. Chairman Arakelian ó I will entertain a Motion to move this forward. Mr. Caslin ó so moved ó Mr. Mehrman - Second. Councilman Papaleo- yes; Chairman Arakelian- yes; Ms. Boland- yes; Mr. Mehrman ó yes; Mr. Caslin ó yes and Mr. Grasso ó yes. Okay ó we'll call you up when we are ready.

Chairman Arakelian ó Okay new business we're going to start with Mr. Queller, 243 Valley Road, Block 1103, Lot 24, Mr. Queller come on up. Who are you bringing up with? Mr. Queller ó this is Robert my contractor. Ms. Nabbie ó Please raise your right hand ó do you swear and affirm that the testimony you are about to give will be the truth, the whole truth and nothing but the truth? Queller and contractor ó yes. Ms. Nabbie ó Please state your names for the record. Robert Lekic, 82 Chestnut Street, Nutley, New Jersey. Seth Queller, 243 Valley Road, River Edge, New Jersey. Chairman Arakelian ó okay now you can go into a little more detail and tell us what you are looking to do.

Mr. Lekic ó Basically what he is intending to do is to construct a permanent canopy in the backyard over his existing patio for the sake of sun coverage and rain coverage and that's about it in a nutshell. Tom Behrens ó let me ask real quick ó so we have two copies of a survey ó which one is existing and which one is ó obviously the one with the canopy is the (someone coughed in audible) Mr. Lekic ó correct ó Mr. Behrens and the one with the slate patio and gravel is existing that's what's there today and then you're going to that ó Mr. Lekic ó correct. Mr. Behrens ó so the variance being requested is a lot coverage variance 20.4 % when the maximum is 25% and with the existing condition its 26%. Based on the existing condition it looks like their pulling back or possible reducing the impervious coverage , I don't know what that exact figure is but if you look at the extent of the existing slate and gravel area it looks to be larger than the proposed patio area pulling it closer to the house and pulling it away from neighbors. So, this seems to represent a better configuration both aesthetically for the neighbors would you agree with that? Mr. Lekic ó yes I mean water wise it would shed water away from the properties and send it to the rear of the yard instead of closer to the house. Mr. Behrens ó and again where you might have a little more lot coverage, I think you are reducing the total impervious coverage. Chairman Arakelian ó so its shifting the water to the rear of the property ó is that going to cause an issue for a neighbor? Mr. Behrens ó well it will deflect it to that area but it is still a distance from the neighbor and you still have impervious areas that are already there that are actually closer that would serve to do that so you're improving those conditions. Where you have pavement close to the neighbors now which would cause runoff onto their properties, you're creating a greater distance now. So, it seems to be an improvement. Mr. Arakelian ó does that sound accurate? Mr. Lekic ó yes, the canopy would be inclined so the water would be deflecting towards the rear of

the yard via a gutter and a downspout. Mr. Arakelin ó anything else Mr. Behrens? Councilman Papaleo ó I just have a question ó are you moving the slate area and gravel area? Mr. Lekic ó no he is going to keep that as the actual patio ó he simply wants to cover it ó Mr. Papaleo ó because it doesn't show on the proposal. On the proposal it's like the slate patio and gravel are not there that's why I'm asking. Mr. Lekic ó no it's going to stay the same, - we may just form it a little better so it coincides with ó so if anything, we would take a little bit away from it and just leave some grass. Councilman Papaleo ó so you are going to remove all the gravel and you are going to form the slate patio so that it's in the same 11 x 7 ó so the slate patio will not extend beyond the canopy. Mr. Lekic ó correct. Councilman Papaleo ó are there will be no gravel beyond the canopy? - Mr. Lekic ó right. We will restore it to most likely grass. Mr. Behrens ó when you say most likely grass you mean impervious ó Mr. Lekic ó impervious yes right. They did the patio in a free form flow back then but now it should be aesthetically correct and coincide with the footprint of canopy. Chairman Arakelian ó Ms. Boland? Mr. Grasso? Mr. Caslin? And we saved the best for last ó Mr. Mehrman? Mr. Mehrman ó you do realize that if you ever enclose this patio with walls, you will need a separate building permit ó in other words once you put up this canopy it doesn't mean you can enclose it right now. That will probably be recorded in the Borough Building Department so ó we've had a history in the past where that has happened, so I'm just warning you and bringing it to your attention now. Okay ó that's it. Chairman Arakelian ó I have no questions so let's take a moment and open this to the public. Mr. Caslin ó so moved, second- Mr. Mehrman. Chairman Arakelian ó all in favor ó aye- any opposed any abstained? Chairman Arakelian- okay at this point this application is opened to the public and if anyone wishes to speak ó come on up sir.

My name is Al (inaudible) and I'm at 247 Valley Road and Nancy (?) at 247 Valley Road. Al ó our concern with this application is water. Okay, I'm sure that everyone on this Board knows that the Valley Road area has a lot of water down there and when they built the house ó and it's not Seth's fault or anything but the land level was raised so we got water in an area we never got it before on that side of the house. So, we're just concerned by covering more of the absorption area it's going to create a water problem. Because water moves under the ground. You can't say like the builder is saying move it to the back of the house, once it gets in the ground it moves, so that's our major concern. Chairman Arakelian ó I think we heard here that it will be less impervious coverage ó is that correct? And it would create more of an area for ó Mr. Behrens ó the more distance there's a greater separation of this non-permeable area ó I thought I heard ó did you also say that it would have a gutter leading to a downspout? Would there be a leader that connects that? Mr. Lekic ó yeah the idea was to point that more to the middle of the property, keeping it even further ó Chairman Arakelian - how about we drain that into a small pit, would that something that would be more ó Mr. Behrens ó sometimes you could where you do one per lawn where you just mitigate the area that you are talking about. Chairman Arakelian ó would your client be agreeable to install a pit? Mr. Lekic ó absolutely we actually had that in mind. Chairman Arakelian ó would that make you feel better? Mr. A ó personally, I don't think so because we have had a lot of issues with water over the years ó I just don't know ó Chairman Arakelian ó a pit may mitigate that issue as well because the water it will be drawn down to the pit and then distributed. Mr. A ó well if you people think that will work then I guess that's acceptable. Like I said our main concern is that we do not get more water. Chairman Arakelian ó all applications are reviewed by our Borough Engineer so if he sees anything that's an issue or

you want to call the Building Department and speak to him you are more than welcomed to. But I think a seepage pit might be a good solution and take a little bit of the pressure from the rear of the house as well.

Councilman Papaleo ó Chairman Arakelian, I have another question, I'm looking at this ó this 243 Valley Road right and when I'm looking at the application form it says on existing lot coverage ó it's very hard to see I think it says 26% and proposed layout seems to be 28.4% so that seems to be less impervious coverage and more pervious coverage or am I getting it wrong. Mr. Behrens - so there's lot coverage and improved lot coverage- improved lot coverage means impervious ó lot coverage means building. Councilman Papaleo ó well then, the improved lot coverage is blank ó Mr. Behrens ó it appears to be reduced in this situation based on the gravel area appearing larger than the macadam area and slight patio area combined so it's a guesstimate. Mr. Queller ó at this time the gravel area is bigger than the slate. Mr. Behrens ó so to answer your question, the lot coverage is being increased about 2%, the improved lot coverage is being reduced by some amount. Councilman Papaleo ó the gravel Tom is impervious. Mr. Behrens ó it's impervious. Councilman Papaleo ó I was just ó I saw the blank here ó Chairman Arakelian ó good thing you have an engineer sitting next to you. Anything else, anybody else? Ms. Nabbie ó I have a quick question ó what size seepage pit? Mr. Lekic ó I was thinking something standard that you ó a little bigger than a sump pump scenario about 30 inches deep, preferably 24 inches round filled with large rocks. Mr. Mehrman ó can I make a suggestion? Let the Borough Engineer review this and come up with something smaller than the usual 1,000 gallon tank ó something more appropriate for this condition and make a recommendation. Mr. Behrens- would you phrase it to mitigate this area specifically? Only mitigate the canopy. Mr. Mehrman ó Well basically, I think it's just the canopy ó I'm sure he'll oversize it slightly, so the difference isn't that much. It's a new cover, theoretically it should go underground ó let the Borough Engineer look at it, make a recommendation instead of us doing that work. Chairman Arakelian ó Let's make a motion to close to the public ó so moved (both spoke at the same time) Chairman Arakelian ó we'll take one as the first and be as the second. All in favor ó aye. Any opposed, any abstained? That was Mr. Papaleo and Ms. Boland. Okay, so we're closed to the public. Final comments ó so you heard the comments ó are you willing to accept those additions? Any final comments? Mr. Mehrman ó I'll make a motion ó Mr. Grasso ó I have just one comment ó I think when Mr. Costa reviews it we just discussed that the seepage pit would just be for the canopy area but possibly based on the neighbor who is already getting water ó property elevation is higher than his, possibly it could be something slightly more than just the canopy because he's having water issues. Chairman Arakelian ó I think they already agreed to that ó right? Mr. Mehrman ó I'll put in the motion. Mr. Lekic ó yes but I'm not so sure he has the room in the yard to alleviate the problems should they get that large. The seepage pits ó like Mr. Mehrman said they can go to a 2,000-gallon tank. The yard is only so big. Mr. Queller ó I think I already have some seepage pits back there, Another thing I would like to add is so this building was built before we brought it, so after we did buy it we did install something on the side of the house, on the side of Mr. and Mrs. (?) to try to alleviate the problem where the water would drain away from their house by installing some drains and this is after we moved in. So, we have already made some attempts to help that situation for them. Mr. Grasso ó like an outdoor french drain or something? Mr. Lekic ó exactly an outdoor French drain. I don't know about that drain specifically only through conversation, but basically, it's an exterior French drain in order to try

to drive the water out to the street rather than towards their property. So, at the end of the day its only, and correct me if I'm wrong, about 144 square foot canopy and we don't want to start unearthing the whole entire yard simply to ó Chairman Arakelian ó no that's fair we'll just leave it to the engineer. Mr. Lekic ó okay ó Mr. Arakelian ó and that will be part of your conditions in the resolution. Mr. Lekic ó okay yes. Mr. Chairman ó any other comments ó Motion ó Mr. Mehrman ó I'll make a motion that the Board provide approval of the requested variance and that the Borough Engineer review the rear yard drainage and develop a subsurface disposal system suitable for the new canopy plus recognizing that there is a water problem at or near this site and he'll work in conjunction with the applicant. Chairman Arakelian ó do I have second? Mr. Papaleo ó second. Roll call please. Ms. Nabbie ó Councilman Papaleo ó yes; Ms. Boland ó yes; Mr. Grasso ó yes; Chairman Arakelian ó yes; Mr. Mehrman ó yes; Mr. Caslin ó yes. Chairman Arakelian ó congratulations sir, good luck.

Chairman Arakelian ó I'm going to go out of order here. I want to call Mr. Barrett up to discuss the Bergen County Historic Society. So, we have two issues ó a timing issue and a carry issue ó am I correct? Mr. Barrett ó Yes, we'll carry it that's no problem. I just wanted to tell you that in terms of easement I've spoken with Mr. Basralian, the Hekemian's attorney last week, I've spoken to him many of times and I was supposed to get comments from him this week but when I didn't get anything I called him today around noon and they told me he was on a conference call and he would call me right back ó well I left the office at 7:00 and he hadn't called yet. I will call tomorrow again. In terms of the parking agreement I have a call scheduled for tomorrow with a representative of the DEP to determine who the appropriate parties are to enter into the agreement, obviously it will be the Historical Society and an entity, you heard testimony about the Park Commission - so I'm going to speak with a representative and get that sorted out. Chairman Arakelian ó okay and I believe there are some changes to be made required by Bergen County which may require ó Mr. Barrett ó yes I exchanged emails with our engineer today and he hasn't heard from Eric yet. Eric called me a couple of weeks ago, so the engineer is going to follow up with Eric tomorrow. Chairman Arakelian ó okay so obviously if that gets changed, you're going to come back. Mr. Barrett with revised plans for the Board. Chairman Arakelian ó I think we have two issues now. One issue is I think the 90 days is coming up or is up, so we need to extend that 90-day period for I guess another 90 days. So for those who were not here we said they had 90 days to bring this stuff forward and then we could go ahead with the approval which was already done so we need to extend it another 90 days, so I'll ask for a motion on that ó Mr. Mehrman ó so made, second (?) Mr. Mehrman ó I think the motion should show that the applicant agreed. Chairman Arakelian ó all in favor ó Aye ó Any opposed? Any abstained? We also have to vote on a carry, to carry this to the next meeting. Ms. Nabbie ó will revised plans be required to be submitted? Chairman Arakelian ó yes they are required ó that's what we're waiting for. Mr. Barrett ó on most of the comments I know you're talking about the handicapped ramp location ó Mr. Arakelian ó and the crosswalk. Mr. Barrett - right - there were a bunch of comments that were addressed in revised plans that have already been submitted. Chairman Arakelian ó so we are going to hold this over for another 90 days for these adjustments that you have to make, we'll have an informal review and the Historical Society can hopefully move forward. So, I need a motion to carry this ó Mr. Mehrman ó so made, second ó (Chairman talked over) so we will see you October 2nd meeting. Motion ó Mehrman ó second Mr. Caslin. All in favor ó aye. Any opposed any abstained? All right we'll call you up in a few minutes.

Chairman Arakelian - Next up is Yousef & Hala Alostaz, 288 Voorhis, Block 701.01, Lot 7, proposed dwelling addition and driveway expansion Lot coverage and setback variances requested. Ms. Nabbie ó You swear the testimony your about to give is the truth, the whole truth and nothing but the truth? Mr. Alostaz ó I do. Ms. Nabbie ó please state your full name for the record. Yousef Alostaz, 288 Voorhis Avenue. Chairman Arakelian ó okay you already gave us a brief description but please go over it again. Mr. Yousef ó so what I'm planning to do the driveway ó the existing driveway is about 5 feet above the street ó he wants to widen the driveway (he is very hard to understand and there is way too much paper shuffling going on) Mr. Behrens - There is a sketch that's probably the most informative for the Board, so again the two variances are one, impervious coverage is slight and its about 36.4% where 35% is allowed and then there is a maximum retaining wall. So, the question I had about the retaining wall is your excavating bout 5 ½ feet and yet the walls are only going to be 4 feet. Can you provide some clarity on that? Mr. Alostaz - so what I'm planning to do is I'm not changing the grade ó the grade on both sides will remain the same, Right now the driveway as you can see from this the grade is a slope towards the driveway (inaudible) Mr. Behrens ó so essentially the soil will slope down to the walls ó Mr. Alostaz ó exactly ó so this slope is like 1 foot ó Mr. Behrens and you can do that even next to the garage itself ó when your right up against the house wall you can achieve that? Mr. Alostaz ó yes what I'm planning to do ó look at the garage drawing (he's saying something about a staircase hard to understand him) Mr. Berhens ó just in terms of functionality what will the height of the actual garage be? Mr. Alostaz ó the house from the inside where the bay window is that's where the actual floor is. So, the actual floor is like 2 ½ feet above the floor of the garage. Mr. Behrens ó and 8 feet will be functional considering the garage. Mr. Alostaz ó I'm looking for the slimmest door I can find, and I found a few that can be hidden (inaudible) Mr. Behrens ó so you would have a height of at least 7 feet for a vehicle? Mr. Alostaz ó Even if that doesn't work, I can try swinging doors. The width of the garage is very limited. But you have to live with it. Mr. Behrens ó those were the primary questions that I had. On the one he's correct the existing slope is 16.7 % and it will go to 2% slope which I guess is more desirable ó so the one question I have aesthetically or otherwise is this consistent in your opinion with the character of the neighborhood? Mr. Alostaz ó well I spoke the two neighbors on both sides, and they believe it is more (I think he said beautiful) at least from their point of view. And if you go up hill there is a neighbor who has the same thing. Mr. Behrens ó so there are other like conditions in the same vicinity. Mr. Alostaz ó yes there is one on Manning Drive between Manning Drive and Voorhis Avenue. Mr. Behrens and I see you spoke about ending the walls at the property line. So that is slight impervious coverage and retaining wall height. Chairman Arakelian ó this is one of those applications that I wish we could give you a little latitude on ó I have question ó what are you going to do with the water that currently doesn't come into your garage that will now create the slope that will bring the water towards your garage. Mr. Alostaz ó it doesn't sir because the garage is about 2% above street. Mr. Behrens ó it will slope away from the house. Chairman Arakelian ó Alright because this picture makes it looks like it's going down but now, I see that. Mr. Mehrman ó for clarity ó the new driveway will still slope to the street? Mr. Alostaz ó yes sir. Mr. Mehrman ó okay about 2%. Mr. Behrens ó it slopes not only to the street but also to the sides. Mr. Alostaz ó yes because my property line (inaudible) . Chairman Arakelian ó councilman ó no, Ms. Boland ó just you may need some fall

protection because of the wall being 4 feet high the town may require a fence. Mr. Alostaz ó yes that is what I was talking to Thomas about ó a handrail. Mr. Behrens ó I would say subject to the construction official. Ms. Boland ó and you don't have access to the home from the proposed garage? Mr. Alostaz ó no. Mr. Grasso- I have a questions on your rendering you show a staircase on the left side of the garage, and your showing on the plan that the maximum height of the wall is 4 feet ó is that correct? Mr. Alostaz ó yes Mr. Grasso- do you know what the length of the staircase is? I know it says 3 feet wide. Mr. Alostaz ó yes I believe I counted 5 or 6 steps and each step could be 5 feet. Mr. Grasso- I'm just wondering with the length of those steps and starting at 4 feet are they going to be very steep? Mr. Alostaz ó well I'm trying (inaudible) I'm trying so you'll maybe have a rise of 6 or 7 inches and tread about 9 inches at the bottom. Mr. Grasso ó is there a maximum rise permitted? Mr. Merhman ó 17 inches. Mr. Behrens yes there is a rise to run ration. Mr Grasso ó with that set of steps ó it seems like it might be close to the maximum ratio, but I'd have to find out from the building - Mr. Alostaz ó (inaudible) IBC Code but I would have to check with the state of New Jersey. Mr. Grasso ó so for that rise and for that length of steps, is there a handrail required and is that going to be mounted to one of those walls? Mr. Alostaz ó if I need that ó Mr. Grasso ó so when it comes to the next step ó Mr. Costa is going to review it? Chairman Arakelian ó anything more than 3 steps I believe you are required to put a railing so you're going to have to put a railing. Chairman Arakelian ó those steps are wood? Mr. Alostaz ó no they are block ó Mr. Grasso ó so the steps are going to be masonry. Mr. Alostaz ó yes and the porch is an existing one so that's one ó Mr. Arakelian ó at the top of the steps ó Mr. Alostaz ó that's existing ó Mr. Grasso it's steep so a railing will be a good idea. Mr. Mehrman ó you recognize that the wall is above the 3 feet? Mr. Alostaz- yes sir ó Mr. Mehrman ó which means the Borough Engineer will review it and most likely might request calculation? - Mr. Alostaz ó yes ó Mr. Mehrman ó and inspections during construction so on and so forth. That's my only comment. Chairman Arakelian ó okay motion to open to the public ó Mr. Mehrman so made second ó Mr. Caslin ó Chairman Arakelian ó all on favor- Aye. Any opposed any abstained? Anybody on this application want to be heard ó seeing none I will entertain a motion to close to the public ó Mr. Merhman ó so made second ó Mr. Caslin ó all in favor ó aye ó any opposed and abstained? At this point I'll entertain any last comments from the Board. Mr. Grasso ó the retaining was is going to be made with what? Mr. Alostaz- concrete blocks ó Mr.Grasso- Concrete blocks and there will be drainage pipes behind it. Chairman Arakelian ó okay I'll entertain a motion on this application - Mr. Mehrman ó I'd like to make a motion that the Board grant approval to the variance requested and that if required by the Borough Engineer a submittal will be made for the structural portions of the retaining wall. Do I have a second Ms, Boland ó second ó Roll call please ó Ms. Nabbie ó Councilman Papaleo - yes; Chairman Arakelian ó yes; Mr. Boland ó yes, Mr. Mehrman - yes; Mr. Grasso ó yes; Mr. Caslin ó yes. - Mr. Alostaz ó Thank you. Chairman Arakelian ó Congratulations sir

Chairman Arakelian ó okay next up is Eduardo Leonardo- Ms. Nabbie ó Do you swear that the testimony you are about to give is the truth, the whole truth and nothing but the truth? My name is Susan Berman ó Ms. Nabbie ó Ms. Berman I don't know if you appeared here before -please give the Board the benefit of your education and your experience. Ms, Berman- I have an undergraduate BA in Architecture and a Master's in architecture from Columbia University. I've been working as an architect in this state for almost 20 years. Ms. Nabbie ó have you testified before other land use boards in the state of New Jersey. Does the Board accept? Chairman

Arakelian ó sounds good to me. Have a seat. Ms. Berman ó okay so we are doing a small addition both in the front and the rear our difficult moments happen in the front primarily in terms of setback. Currently we have ó this is a picture of the current home. There is a garage that sits most forward in the front of the property. (inaudible the whole Board is shuffling the plans cannot hear her) and it makes the entry very secondary a covered entry and when you go in there its about 3 feet wide. So we want to expand the entry slightly, the house is still going to sit behind the garage, this is a rendering of what we have in mind. We have our small covered area so when they open the door they are covered from the weather and we think its an improvement and fits better in the neighborhood. We see a lot of homes on the street that have that. Chairman Arakelian ó so this is a newer built home ó correct? Ms. Berman ó newer yes (inaudible) Mr. Behrens- so I think it would be helpful to run through the variances requested at this time. (shuffling of plans hard to hear in audible) So the first variance I have is a maximum improved lot coverage variance proposed is 36.3% and 35% is allowed it may or may not relate the shed that is shown on the property line as well as some of the fencing that is shown ó the fencing does not affect the impervious. The minimum shed setbacks are an existing condition but again they are over the bounds of the property. The front yard setback which was already discussed 30 feet is required 16.5 feet is proposed. You have 22.8 but the 6.5 goes to I think the uncovered front landing. Mr. Behrens I think in this case the major variance the front yard setback with the porch. The porch itself though it does encroach is open so its just a roof covering (inaudible something about the garage) ahead of the setback depending on how you interpret the rendering its either an aesthetic enhancement or not it does appear to be a nice improvement. Chairman Arakelian ó anyone have any questions or comments. Mr. Behrens ó again I'm throwing out the issues of those things being located off the property; I don't know how you guys want to deal with that. Other than that, I am not terribly concerned about the front yard issue. Councilman Papaleo ó I'm going to pass, Ms. Boland ó who owns the property behind you? Ms. Berman ó the property behind us in the cliff which is Van Saun Park, the elevation is extreme and there are lot of trees that have been there forever and there are no neighbors behind us. Ms. Boland ó do you know what the front yard setbacks are for the surrounding properties. Ms. Berman ó I do not. Mr. Behrens ó would you say they are mostly within the required setback or (inaudible) Ms. Berman ó I would say the property to the left was a property that was renovated recently and they seemed to do it without a variance, so I'm guessing that met the requirement. I have photos of other properties on the street, satellite views and an aerial view ó I would say the neighbor on the right (inaudible). Ms. Nabbie ó what I'm going to ask you to do since you are referring to different renderings and documents, why don't we mark them for the record. Why don't we start with the rendering on the easel, we will mark that A1 with today's date and you just had an aerial in your hand, correct. Let's mark that A2 and perhaps you can share that rendering with the Board ó I'm sorry the aerial. Ms. Boland ó I would recommend if you could move it closer to the existing garage setback I would be more comfortable with the front yard. Ms. Berman ó in other words this house itself sits behind the garage its about a foot in a half ó its just a covered porch ó Ms. Boland ó but its 26.8 versus 22.8 ó Ms. Nabbie ó sir if you're going to testify I need you to raise your right hand. Do you swear that the testimony you are about to give is the truth, the whole truth and nothing but the truth? Yes. Please state your name for the record. Frank Sorisi. Ms. Nabbie ó Are you an architect as well? Mr. Sorisi I'm an architectural designer and I work with Susan. Ms. Nabbie ó but you don't hold an architectural license is that correct. Mr. Sorisi ó No. Ms. Nabbie ó so you will be a fact witness and not an expert witness. Ms. Berman ó the

(inaudible) the house is 28.5 back (inaudible so is too far from the microphone) Mr. Sorisi is speaking about a non-conforming wall (very difficult to hear) (papers shuffling and he is away from microphone) we respected that plane and we are encroaching the front setback but we are aligning it with the garage wall ó the garage door is more of a setback. Chairman Arakelian ó Mr. Caslin ó no questions. Mr. Mehrman ó in my package was a set of plans. I assume they were all sealed only because the last sheet I have in my package is sealed. However, the person who sealed them I see no name, no address and no authorization number. So right now, I have a set of plans by an unknown. Ms. Berman ó at the top is the title. Mr. Mehrman ó okay I stand corrected. I looked all over and I didn't see it. In all fairness to the Board I did go out there and I sighted the front of the building in both directions and in my opinion, this represents no further encroachment than the ones on either side. Chairman Arakelian ó so he just made up for the other one. Mr. Mehrman ó exactly I beat you up and then I gave you a lolly pop. I'm very sensitive to unsigned plans. There was a question regarding the ownership behind. I'm under the opinion, it's a personal opinion not anything else, that it is county land. However, the surveyor on his survey map shows it as the Borough of River Edge. There very well could be a strip in there for the Borough of River Edge because I think one exists further down for easement purposes and what not. But basically, whether it's the county or River Edge it really doesn't matter ó it's a public entity. Ms. Berman ó there is significant elevation change ó Mr. Mehrman ó I'm aware of the typography back there and it's an ideal house because of the non-noisy neighbors to speak of in that area. There are several issues on this property ó you're well aware of them. One is the rear fence which is well beyond your property line and into a public entity. Likewise, the sheds are both over especially the bigger one ó Ms. Berman ó we can remove the smaller one ó Mr. Mehrman so your proposing moving the small one. What are you proposing to do with the larger one? Ms. Berman ó we had hoped to keep it. It's on a concrete foundation, the back of the property has trees with roots, some trees are on the far side of the fence, some trees are on the near side of the fence they are basically holding the cliff from eroding ó Chairman Arakelian ó just to join in with Mr. Mehrman you know this Board can't approve that kind of encroachment, so this may be subject to you getting approval from whoever owns that land to leave it there and if not you might be forced to move it. Ms. Nabbie ó if it's River Edge then you have to go to the council ó okay? Chairman Arakelian ó and if it's the County you have to the Freeholder Board. They usually don't look kindly to that by the way. Mr. Mehrman ó it's very unusual. However, the fence has to be removed within your property line because we have a history on this board of enforcing that. We are cognizant of adverse possession and this would enter into that chapter that has to be removed. Chairman Arakelian ó that will have to be a condition. Ms. Berman ó either removed or move back on the property. Mr. Mehrman - it will probably be easier to just pick it up and move it in. That's your choice. I would suggest to the Board that should this project go forward that prior to the issuance of a certificate of occupancy by the Borough, that the Borough Engineer go out and confirm that both the fence and the shed are within your property or don't extend on. Ms. Nabbie ó I just have a question though would a C of O be required here? Mr. Mehrman ó we'll they're putting an addition on a house. Ms. Nabbie ó before the permit. Mr. Mehrman - the way I look at it the shed removal or relocation and the fence removal and relocation is part of this building permit. Therefore, at the end of the project when they go to obtain a certificate of occupancy those items should be done. Ms. Nabbie ó why don't I do this. Let me coordinate with Mr. Costa we'll draft a Resolution accordingly, but your client does understand the situation. Ms. Berman ó yes she does. Mr.

Mehrman ó and the only leverage we have is your certificate of occupancy. Ms. Nabbie - and your client is here with you? Ms. Berman ó yes she is. Mr. Mehrman ó okay those are my comments and when you're ready I'll make a motion. Chairman Arakelian ó any further comments from the Board ó Tom. Mr. Behrens ó So the area that's being covered the front porch (inaudible) that's where the existing platform is. I mean we heard some testimony and got some information that its consistent with regard to front yard setback it's a question of consistency so it either is or is not and does the Board have enough to make that decision. The other variances are just a function of those off-site things we just discussed. Chairman Arakelian ó at this point I'd like to open to the public ó motion to open to the public- So moved (?) Second ó Councilman Papaleo. All in favor ó aye. Any opposed any abstained? Anybody from the public wish to be heard on this application? Not seeing anybody I'd like to take a motion to close to the public. Mr. Mehrman ó so made, second ó Mr. Caslin ó All in favor ó Aye. Any opposed any abstained? Okay ó last comments anybody- I'll entertain a motion on this application. Mr. Mehrman ó I'll make an attempt. The Board approved the variances requested; we note that the font yard variance will be in pretty much in line with the other buildings/dwellings in the area. That the fence and sheds be either removed or relocated within the setbacks of this parcel and prior to the issuance of a certificate of occupancy for this project that the building engineer or his representatives verify that both the shed and the fence have been either removed or relocated accordingly. Ms. Nabbie ó Mr. Mehrman you meant Borough Engineer correct? Mr. Mehrman - Borough Engineer. Chairman Arakelian ó or they get a waiver from ó Mr. Mehrman ó yes we recognize that you have the ability to obtain a waiver from the appropriate entity. Mr. Arakelian ó we have a motion. Do I have a second? Mr. Caslin ó second. And the roll call please. Councilman Papaleo ó yes; Ms. Boland ó yes; Mr. Grasso- yes; Chairman Arakelian ó yes; Mr. Mehrman- yes; Mr. Grasso ó yes, and Mr Caslin ó yes. Chairman Arakelian ó Congratulations ó good luck.

Chairman Arakelian ó so this is the Yeshiva of North Jersey , 666 Kinderkamack Road, Block 616, Lot 9 and they want to put a playground in. So, this s strictly for site plan approval, there are no variances, more of a location and drainage issues. A quick good evening to our Borough Administrator just recognizing that his poking his head in the door. My apologizes for the last meeting, middle of the summer, people go away. This is a all-volunteer Board, I'm the only one that doesn't get to go away. So we're glad to have you here tonight and again, our apologies. Mr. Barrett ó we have with us Rabbi Price the head of the school and Matt Welch our engineer. Both gentleman are sworn in. Matthew Welch with Langan Engineering & Environmental Services, 300 Kimball Drive, Parsippany, NJ. I received my Bachelor of Science in the field of civil engineering Rensalier Polytech Institute, I'm a licensed professional engineer in the state of New Jersey with over 14 yearsø experience working on land development projects. I've appeared before approximately 50 land use Boards throughout the state. Additionally, I am a professional planner and a transportation operations engineer. Ms, Nabbie ó you're being offered only as an engineer this correct? Mr. Welch ó yes. Mr. Barrett ó Mr. Welch can you described the improvement. Mr. Welch ó I did bring an aerial with me and I will mark it as Exhibit A1. Ms. Nabbie and this was given to the Board? Mr. Welch ó this was not. Ms. Nabbie ó just for the record what was the date of that? Mr. Welch - It's an aerial exhibit prepared by our office dated August 20, 2019. The subject property is approximately 6.9 acres located at 666 Kinderkamack Road, north is located towards the top of the page. The site itself is primarily surrounded by

residential. It has a small commercial building to the northwest of the site with a post office to the southwest of the site. The site itself contains two buildings normally one houses children in K through 5 and the other building is 6 through 8. The focus of our application this evening is the grass area just north of that northerly square. Its currently being used as a play area for the students who are there today. It's a relatively steep grass area it's a about a 10 to 20% slopes so the steepness combined with the students playing on it every day as you can tell by the aerial, it's a pretty washed out piece of land but when the school was looking to put out some playground equipment it mad a lot of sense just giving the proximity of the building itself. And the next sheet I have is sheet CS101 its from our planning session do we need to mark this? Ms. Nabbie ó no need it was submitted to the Board correct? Mr. Barrett - Correct.

Mr. Welch ó so the proposed play area is going to be in that existing grass area ó its an area about 43 x 50 feet deep ó we will flatten out the steep slope that's there today ó it will be less than 2% it will be a nice flat ADA accessible area it be roughly the same grade as the door that leads out to the building, so the students will leave the building and they will be roughly on the same elevation as the existing playground. We are going to flatten that area and then we will have slightly steeper slopes along the east and westerly sides and along that westerly side to prevent students from going down the hill and to the parking area ó we are going to have a short 4 foot decorative fence that will run all along the property line until the existing fence that's on the property line. That will just keep the children that are playing from inadvertently going down that slope and it prevents some of that washing out. Since we have submitted these plans I believe since d put some pits and ground covering to keep it from washing out. (Having a hard time hearing a lot of shuffling of the plans going on right now). Bordering on that side there is an existing row of evergreens, mostly arborvitaes and a couple of others, some are healthy and some out there have died, we will replace the dead ones. I have spoken with the applicant and based on Board approval they will be replacing and filling in some of those gap areas also to maintain that buffer with the residential area. As I mentioned there is an existing fence on the northerly side, its a chain link fence with privacy slats, so you do have some existing buffer from that play area and it will be used during school hours so there won't be any lights in the play area. In the future its just going to a nicer modern facility as opposed to just a barren grass area. Lastly, we will discuss in terms of the storm water, this play area surface is a rubberized play area safety surface and it is permeable of water up to 8 inches an hour ó so we're taking a steep area that was kind of running off into the flat area that allow it to now permeate into the soil. So, there is no change to impervious surface, no increase in storm water runoff. There are a couple pf existing seepage pits that are in that area, so prior to construction the contractor will look at those and make sure they don't interfere with any of the footings and since he has to open up the soil anyway, it's a good time to inspect them and make sure they are in working order. No removal of vegetation or trees. No encroachment to that same buffer area, and again as it is used as a play area today the same will used as a play area in the future but will have actual playground equipment. Mr. Barrett ó Mr. Welch ó was there any other area considered? Mr. Welch ó this was really the only practical area on site and really its proximity to the building. There are some larger areas on site but it would require the very young students to have to walk a distance so just the fact that it a play area now, it's right outside the school and you have a nice accessible path and while is a relatively confined area you won't have kids running all over the parking lot. So, location wise its very conducive. Mr. Behrens ó You answered quite a few of my questions already so again,

just to reiterate those, no additional lighting, no additional impervious coverage, you're willing to enhance or supplement whatever screening is there already- that fencing, is that the neighbor's fence? Mr. Welch ó No it's on the Yeshiva's property. Mr. Behrens ó okay so that's their fence, and it will be maintained by you. Any idea what the height of structure is? I know I saw some ó Mr. Welch ó oh the playground equipment ó so the top of the poles is 13 ½ feet. Mr. Behrens - so it's below the 15-foot requirement of the accessory structure. As far as I can tell this is a conforming application, so these are just details and the applicant just made the effort to mitigate any attacks I think in a reasonable way to the neighbors. I don't have any further comment at this point. Chairman Arakelian ó Councilman ó no comment; Ms. Boland ó The existing seepage pit ó you're already cutting off a foot to a foot in half of fill and then you said 8 inches for the playground, there's a good chance you'll interfere with the pits themselves. Mr. Welch ó so just to clarify the 8 inches was the permeability of the playground ó but there's a chance I don't know I didn't design them ó but one thing we're doing in terms of leveling this we're basically holding the existing elevation along the center line of the playground we're raising half of it and lowering half of it so it balances out the fill. The seepage pits themselves are approximately either at the midpoint or on the easterly half where we're raising so hopefully we won't impact them and if we are impacting something then the contract will have to adjust. Mr. Mehrman ó seepage pits I had a discussion with Mr. Costa today and we both agree, but first let me read the note that you have on your drawing CS101 I'm quoting "contractor to confirm viability to install playground equipment around existing seepage pits". I suggested to Mr. Costa and he agreed with me on the concept that prior to obtaining a building permit at that point you go to your test pit and whatever means and methods you need to locate the seepage pits with him or his representatives and then at that point you determine which direction you're going either relocation or raising your grade or whatever it is. According to your note you want your contractor to go out there and do it later on, but we've suggested you go out there and do it before you get your building permit. Mr. Welch ó just to clarify ó the reason why we involved the contractor because he's the one who will be locating all the footings, setting up all the equipment and doing the excavation so I think would he be just in terms of process he would go out there, locate all his footings, locate all the seepage pits and at the same time confirm that nothing is going to conflict and if it does conflict make those adjustments. Mr. Mehrman ó Who you choose to do your exploration out there is your choice. Whether it's this contractor or another contractor, myself and Mr. Costa agrees that we want to avoid chaos basically is putting it in a nutshell. Let's do it ahead of time instead of we have all of the playground equipment and everything there to install and suddenly we have a big problem with seepage pits. So, we both feel that this is the better way to go. You might want to schedule your planning of submittal of the plans but before you start, we're suggesting that you do your seepage sub drainage exploration. Mr. Barrett ó okay. Mr. Mehrman ó basic question what other playground equipment do you have on site there? Mr. Welch ó We have one other area that has playground equipment which is used for our pre-school students. These children are 3, 4 and 5. This playground is going to be for children who are 6, 7 and 8 and that other playground is located on the northeast corner of the property. Mr. Mehrman ó at one time you have basketball courts ó they're still there. So, you're going to keep that. So basically, this proposal is for a certain set of younger students. Mr. Welch ó the basketball courts are basically used by our older students. With them we're a little more comfortable with them walking the parking lot to go to the basketball courts. This is right next to his building and we are dealing with 6-year olds and 7 year olds and we want them to access right next to the building and not

walk near any cars. Mr. Mehrman ó I'm quite familiar with your site and the number of projects down there and I must say the location you chose makes sense. I'm sure it's also related to where they are. That's the only comments we have. Chairman Arakelian ó question for the engineer ó the location of this playground what impact it will have on the neighbors. Mr. Welch ó It wouldn't have any. It's not going to encroach into the vegetative bumper area. Mr. Arakelian ó I'm talking about noise. Mr. Welch ó the playground is going to be used during school time, primarily recess and 10:00 a.m. to 3:00 p.m. And there isn't any nighttime use. The children are dismissed at 3:30. Chairman Arakelian ó Tom what do you think about as far as some of the noise issues with some of the neighbors. Mr. Behrens ó Well there's a few aspects (1) as far as location it is a conforming location, in terms of the noise I think they're are standards by which noise can't increase beyond a certain discipline and if it does that would have to be remedied. Chairman ó Arakelian ó yeah but I don't think we are going to have noise monitors. So this is what I'm looking at maybe planting some ó Mr. Behrens ó well you have the fence ó Chairman Arakelian ó right. Mr. Welch ó currently you have children playing out there they just don't have any equipment. Chairman Arakelian ó have the neighbors ever complained? Mr. Welch outside we have enough trees and bushes to create a buffer there really haven't been any complaints. Chairman Arakelian ó Are there trees and shrubs there now. Mr. Welch ó yes the arborvitae. Chairman Arakelian ó so in the area of the new playground there's a fence between you and the neighbors. Mr. Welch ó yes. Chairman Arakelian ó are there any plantings between the proposed playground and the fence. We want something to absorb the noise, so the neighbors don't complain. Mr. Mehrman ó for Mr. Grasso's clarity right now that typography slopes as you said ó you're basically going to level it off and put the playground on that plateau.

Chairman ó Arakelian ó okay I'd like to entertain a motion to open to the public ó Mr. Mehrman ó so made, second ó Mr. Caslin. All in favor ó Aye. Any opposed any abstained? Okay this is your opportunity to come up and state your name and you can ask questions and make comments on what was discussed.

My name is Antoinette Kofler, I live at 42 Tenney Avenue in River Edge. - I received the certified letter for the proposed playground I have some concerns. The noise level ó I don't know how much larger it's going to be percentage wise, is it gonna be double the size it is now? Who knows? Mr. Welch ó so it's being used as a play area now ó Ms. Kofler ó yeah I know but your extending it are you not? Mr. Welch ó the same children that play out there now will continue to play out there. Ms. Kofler ó is going to be longer, larger ó (they go back and forth as to the area of play) explains that more activity will be close to the school. Ms. Kofler ó right but what I'm asking is ó it's a certain footage now how much larger will it be? The property size is not changing. Chairman Arakelian ó let me help her out here. There's a play area now where the kids are playing ó how much bigger is the new play area going to be from the play area they are playing in now? Mr. Welch ó it's the same area. Mr. Grasso ó what's the difference in size between the parking lot and the proposed area where the playground is going to go? Mr. Welch ó so the parking lot which is on the other side of the school is roughly 120' x 42'. Ms. Kofler ó so you're going to encroach on the parking lot? Mr. Welch ó No the parking lot is staying right where it is. The new playground area is roughly 43' x 56'. Ms. Kofler ó so you're going to add to that. Mr. Behrens ó Could you show her maybe? Ms. Kofler ó what I'm asking you is it going to be increased or stay the same? Councilman Papaleo - What she's saying is they're playing on a certain piece of land/ footprint and that footprint is the parking lot and Mr. Welch has said that,

that footprint is 120' x 42'. Now what I think your asking is or what you're wondering is- is this new area going to be an extension or is it going to be in replacement? I think what you're saying its going to be a replacement. They won't be playing in the parking lot anymore; they will now be playing in this area. Mr. Welch ó I'll put it to you this way. The playground is now going to be the attractive site for the children. Now there is a basketball hoop on the parking lot. Let's say 10%% of the kids will still play basketball but I guarantee you that 80%/90% of those kids are now going to be on the grass area on the play equipment because they're 6 and 7 year olds and that's what they want. So, there's going to be a shift from where they're playing from on the blacktop to the grassy area. Ms. Kofler ó is it going to be the same equipment or are you going to add equipment? Mr. Welch ó we don't have equipment right now we are going to add equipment. Ms. Kofler ó and what type of equipment ó Mr. Welch ó playground equipment ó Ms. Kofler ó such as - Mr. Welch ó I do have a rendering from the supplier. We'll call this playground rendering. Ms. Kofler ó so is it going to be like Cherry Hill? Chairman Arakelian ó I don't think its going to be quite as big. I'm going to ask a better question ó how many children use the current play area? Mr. Welch ó at a time. - Chairman Arakelian ó let's say the max at any given time the max. Mr. Welch ó somewhere between 55 and 65 children. Chairman Arakelian ó And how many are going to use the outside playground? So, I don't think it's the size of it that she's concerned about its ó the use of it and the noise that will be coming from it. What he's testifying is ó it will be about the same, Ms. Kofler ó I was listening to you and you had mentioned vegetation buffering the sound which is a good idea but even better what I've seen on the highways is they build these noise buffers are you familiar with theses? Chairman Arakelian ó sound barriers. I think that would be a whole different project that quite honestly, I don't think you would be happy with once it was done. Because you're going have huge wall in the backyard as opposed to a fence ó that decorative fence that thy put back there. Ms. Kofler that's really my concerns. That it's not going to be so large and also the noise level. They are children, they have to play I understand that I had my own children and now my grandchildren, they have to play its part of life I understand that. I just want to make sure that in the future there's not going to be any lights. Now there's no lights. Chairman Arakelian ó they would have to come back for that. Okay but why would you approve lights if they're ó Chairman Arakelian ó We wouldn't that's not even being discussed. They would have to send you another letter and you would have an opportunity to come before the Board. Ms. Kofler ó because Cherry Hill ó I have to use that as a frame of reference because Cherry Hill and Roosevelt Schools do not have lights and they're elementary schools. Ms. Kofler ó so that's basically my concern that we have peace ó Chairman Arakelian ó and certainly understandable. That's basically it. I wrote down some notes. I think you answered quite a bit of them. Chairman Arakelian ó and what I would suggest if you want and the end of the meeting, you want to get together with their engineer and discuss some of the other things you could. But we've heard testimony that it's going to be the same amount of kids now that there will be when they build. So that's equal and its roughly the same size. Ms. Kofler ó that' basically it ó the impact on the property owners surrounding the area and peace and privacy.

Mr. Mehrman - can I ask you one question before you leave? I know you gave us your house number but the drawing I'm looking out doesn't have house numbers on it so basically, I would like to know where your premises is in relationship to the proposed playground? Ms. Kofler ó I'm on Tenney but I'm on the north side of Tenney ó I'm across the street. Mr. Mehrman ó near

the corner? How far up? Ms. Kofler ó I'm three houses from the corner. Mr. Mehrman ó would it be fair to say that your house would be directly in alignment north wise across Tenney? (nods head) Mr. Mehrman ó okay, thank you. Chairman Arakelian ó Have you ever heard children playing there before? Ms. Kofler ó oh yeah, all the time. Mr. Mehrman ó but it's a happy sound ó Ms. Kofler ó of course I'd like my grandchildren to go there when it's completed. Chairman Arakelian ó okay so that being said ó a motion to close. Mr. Mehrman ó So made, second - (?) all in favor ó aye. Any opposed any abstained? Alright any last comments from our planner? Mr. Behrens ó its conforming. The two biggest issues are the seepage pits to just make sure it works and make sure that screenage is good. Chairman Arakelian - Anyone from the Board have anything to say? If not I'll entertain a motion ó Mr. Mehrman ó I recommend that the Board grant site plan approval on this application with the previsoal that the applicant perform his sub surface exploration for the existing seepage pits prior to obtaining a building permit or prior to starting construction and that these tests be performed in the presence of the Borough Engineer or his representative, and that any screening in the buffer area in the vicinity of this proposed playground be replaced in kind to match the current height that the adjacent ones are. Ms. Nabbie ó and Mr. Mehrman any existing trees or vegetation that is currently dead as a buffer will be replaced by the applicant? Mr. Mehrman ó Correct. Do I have a second? - Second ó Councilman Papaleo. Ms. Nabbie ó Councilman Papleo- Chairman Arakelian ó yes - Ms. Boland ó yes; Mr. Mehrman ó yes; Mr. Grasso ó yes; Mr. Caslin ó yes. Chairman Arakelian ó Congratulations folks ó hope your kids have a ball.

Chairman Arakelian ó I have nothing else. For those who weren't at the last meeting you will be very pleased if you drive past the market and in the back you'll see a brand new fence hanks to our arm twisting of the Board and they also did some striping that we asked them to do. Contrary to the rumors in town ó there is no gym that's currently being considered, there were some preliminary discussion, but the landlord and gym owners could not come up with an agreement. So, no gyms. Mr. Mehrman speaking of striping ó I did notice the parking lot. Chairman Arakelian ó I'll open a motion to adjourn. So, moved ó Mr. Mehrman ó Second ó Mr. Caslin. All in favor ó aye. Any opposed? Any abstained? Meeting adjourned.