Florence, New Jersey 08518-2323
October 2, 2017

The Regular meeting of the Florence Township Board of Adjustment was held on the above date at the Municipal Complex, 711 Broad Street, Florence, NJ. Chairman Zekas called the meeting to order at 7:30 p.m. followed by a salute to the flag.

Secretary Lutz then read the following statement: "I would like to announce that this meeting is being held in accordance with the provisions of the Open Public Meetings Act. Adequate notice has been provided to the official newspapers and posted in the main hall of the Municipal Complex."

Upon roll call the following members were found to be present:

Brett Buddenbaum	Anthony Drangula
Larry Lutz	Anant Patel
Lou Sovak	B. Michael Zekas
Margo Mattis	Dennis Puccio

Absent: Joseph Cartier

Also Present: Solicitor David Frank
Engineer Andrew Banff

Excused: Planner Barbara Fegley

RESOLUTIONS

A. ZB-2017-16 – Granting hearing adjournment for application of John Herbert for bulk variance for impervious coverage and accessory structure setbacks to legalize construction at property located 925 Schisler Drive, Florence. Block 155.50, Lot 23.

It was the Motion of Lutz, seconded by Patel to approve Resolution ZB-2017-16.

Upon roll call the Board voted as follows:
YEAS: Lutz, Drangula, Patel, Sovak, Zekas, Mattis
NOES: None

B. ZB-2017-17 – Approval of application of Ryan Lee for bulk variance for front yard setback and impervious coverage to construct a single-family home on property located at 525 E. Sixth Street, Florence, NJ 08518. Block 82, Lots 2.01 & 2.02.

It was the Motion of Lutz, seconded by Buddenbaum to approve Resolution ZB-2017-17.

Upon roll call the Board voted as follows:
YEAS: Buddenbaum, Lutz, Drangula, Patel, Zekas
NOES: None

APPLICATIONS

A. Application ZB#2017-07 from John Herbert for Bulk Variance to legalize several structures that were installed without prior municipal approval and for impervious surface coverage and side yard setback on property located at 925 Schisler Drive, Florence. Block 155.50, Lot 23.

At this time Member Buddenbaum recused himself from hearing the application. Member Puccio also recused himself. Solicitor Frank said the appropriate thing would be to leave the dais and the meeting so there would be no questions about influencing other Board members. That would not be the case if a member was on the 200' list and received a notification or had some other direct personal or financial interest in the application. Being a Board member does not mean a person gives up their own rights. In this case he believes neither member has any of those interests so he recommended they leave the meeting at this time.

Chairman Zekas called the applicant forward. Scott Brown of Dante Guzzi Engineering Associates introduced himself and said he was there as the applicant's engineer. Mr. Brown was sworn in by Solicitor Frank, who also confirmed he was a professional engineer licensed in the State of New Jersey. Mr. Brown stated he is also a professional land surveyor. Solicitor Frank said Mr. Brown has appeared before numerous boards in the county and should be accepted as an expert witness.

Chairman Zekas said he would like to pick up where the June meeting left off. Mr. Brown said he was familiar with what happened at the meeting and he read the minutes. It appeared Mr. Herbert provided a lot of testimony at that hearing. The Board decided that the applicant should have a survey done to get a better idea of what is actually there and to also get some elevation shots to see how the property is graded. At this time he provided exhibits to be placed into the record. Solicitor Frank labeled the aerial view of the property A-12, the previous survey A-13 and the recent survey A-14.

Mr. Brown said he would like to review the variances that were being requested. He noted there were four existing non-conforming conditions on this lot. The first is the lot size. The lot is 9,000 sq. ft. where 10,000 sq. ft. is required. The lot width is 75 ft. where 100 ft. is required. The rear yard has a 34 ft. setback where 35 ft. is required. The side yard is 11.8 ft. where 15 ft. is required. These are all conditions that were existing as of the 2001 survey.

The new variances are both C Variances. One is for proposed lot coverage. The lot coverage that was calculated now is 57 percent, where 25 percent is permitted. The existing lot coverage in 2001 was about 50 percent. In essence Mr. Herbert increased the coverage by 7 percent. Pavers were installed; however, the pavers were built on a space that's pervious so they would be counted as pervious coverage. With that in mind, there was only a 7 percent increase of impervious if the pavers are counted.

The second variance is for the area of the accessory pavilion. It is about 307 sq. ft. where 250 sq. ft. is permitted. The lot coverage variance is partly a C1 Variance because 50 percent coverage already existed when Mr. Herbert purchased the property. It would be a hardship for him to go to 25 percent lot coverage. Seven percent additional coverage is what was actually added. That would come with a C2 Variance also for the lot coverage. The pavilion area would require a C2 Variance because it is not a hardship situation and he did build that after he bought the property.

Chairman Zekas said for clarification he thought Mr. Brown indicated that the existing lot coverage was 50 percent and it increased to 57 percent because of the paved surfaces. Mr. Brown said it was because of the pavers. They would not count as an impervious surface. Chairman Zekas asked Mr. Brown to address the letter from the engineer. He thinks the calculations are different.

Engineer Banff said the pavers would not count toward the impervious coverage calculation so the 7 percent increase in lot coverage was the shed, the pavilion, and some other incidental concrete surfaces that have been added since the 2001 survey. Chairman Zekas asked if many communities consider pavers as impervious. Mr. Brown said some communities do and some don't. If they are built on a pervious subsurface and the water can run between the cracks then it is usually considered pervious. Pavers are usually counted as being pervious. Mr. Herbert said there were several inches of sand underneath the pavers and also stone.

Mr. Brown said he would like to review the letter. He said the surface between the fence and the shed is stone. The Verizon easement was released to Mr. Herbert on July 11, 2017. That would eliminate some previous variances that were required. Any permits that are required would be obtained.

Regarding the height of the pavilion, it measures 12 ft. 3in. above the pavers. The fireplace is not connected to the structure. Mr. Herbert confirmed that he did get a permit for the fence and he turned it in to the Land Use Clerk. He got the permit when he first moved in but never had the final inspection. Mr. Brown said the topography shots show that everything pretty much drains toward the rear of the property. There are a couple areas on the sides that drain to the front. But most of the runoff goes to the cemetery at the rear of the property.

Mr. Herbert said some of his neighbors were in the audience this evening and could speak to the drainage. Chairman Zekas said there would be a chance later for members of the public to speak. Chairman Zekas said from the topography, looking at the numbers it looks relatively flat. Mr. Brown said it is flat but there is a slope toward the back. There aren't any drywells or anything of that nature existing. He does not believe the 7 percent increase would require any kind of recharge. There is a sump pump on the right-hand side of the house that discharges into the grass. Mr. Herbert said the neighbor who lives on that side is here this evening. Mr. Brown said he believed he had addressed all of the points from the letter and asked if there were any questions.

Member Patel asked if stone was considered pervious. Mr. Brown said generally it is, except in some cases when it becomes packed down because parking. Member Patel said he was asking about the stone on the side of the driveway. Mr. Brown said that is considered pervious, even if it may not be as pervious as the sand. Engineer Banff said the stone that was near the driveway was not included as an impervious surface in the calculations. Chairman Zekas said it is hard to tell from the topography where the drainage from the pavilion roof would go but he thinks it would go to the back.

Mr. Herbert said regarding the pavilion, one side is all privacy trees so it is dirt and ground. One side runs off to that side and the rear has the slight slope to the rear of the property toward the cemetery. The cemetery is sloped toward Ninth Street and there is a drainage basin there. He has never noticed any puddling at all. It all runs downhill and there have never been any issues. Member Drangula asked if Mr. Herbert had been aware that there was

50 percent lot coverage when he purchased it. Mr. Herbert said he was not aware of it and all of this is brand new to him. He decided to have some pavers installed when he bought the property. There were no trees for shade so he installed the pavilion. He had no knowledge and if he had known he would have followed the proper channels.

Member Patel asked if there was electricity run to the pavilion. Mr. Herbert said he and his father installed it. There is a television mounted on top of the fireplace. It runs through the back of brick and underneath the ground. There is a step and there is conduit that runs under the step and is not accessible; it is under a lip. Member Patel asked if there were permits for that or did he just do it. Mr. Herbert said he just did it. The electric has been there for over a year and he was not aware that permits were required.

Member Patel asked if the fireplace was wood-burning or gas. Mr. Herbert said it wood-burning and very small. The television is mounted directly to the top.

Member Drangula asked Mr. Brown if the water would run off to the rear of the property. He asked if there was any percentage available or was there a study done that shows this. Mr. Brown said he looked at the topography shots to see in what direction the water would flow. Looking at those shots it appears that most of it would go to the back into the cemetery. There are a couple areas that do drain off the sides. The vast majority flows to the back. It is very flat but it does flow to the cemetery. Mr. Herbert said the pavers actually improve the back yard. It was very uneven and unlevel. It was a mud hole. The pavers changed it so that everything flows to the back. The pool is in the middle. He thinks there is a nice even flow. His neighbor's basement is right next to his house. That is where the pump is and his neighbor has never had a problem with water at all.

Solicitor Frank asked Mr. Brown to indicate on the plan and try to quantify the areas of the watershed that don't run to the back. Mr. Brown said on the right-hand side there is a high point near the shed. He indicated from that point on it would run to the street. On the other side the area is pretty flat along the edge of the driveway. Some of the water from this area goes to the lot next door, but it is generally flat. He noted another area that slopes and drains back toward the cemetery also. Mr. Herbert said the pitch of the slope is very slight. It was done by the landscape architect to be sure the water would run correctly.

Chairman Zekas repeated what Mr. Herbert mentioned, and what the engineer had indicated; that there is run off going to a neighbor, run off going to the cemetery and run off going toward the house. Mr. Herbert said it seems to him that it is evenly disbursed. Mr. Brown noted that the pool in the center of the backyard is a little bit higher so the water wouldn't run into it. It does run off the pool toward the house but because of the grades, it will work its way around the back at some point and won't puddle. In general, everything pretty much flows toward the back and to the cemetery.

Member Lutz said in the center of the pool there is about three tenths of fall back toward the property line. Mr. Brown said it eventually works its way back around into the cemetery area.

Chairman Zekas asked Mr. Brown if he were representing this applicant and the construction had not already been completed, would he be proposing that the pavers be pitched toward the center of the property or would he recommend some drywell or perimeter drains to prevent run off onto adjacent properties. Mr. Brown said it is considered pervious and generally it is

flat and the water runs into the pavers. If it wasn't or it was on an impervious sub-base, then he would recommend installing some type of recharge. Normally in stormwater applications it is assumed that it is natural ground. Chairman Zekas asked if there was a way to verify that the drainage actually occurs through the pavers. Mr. Brown said there isn't anything that he has done. That is usually how they are designed, for water to run through the cracks between the pavers. A board member asked if that was how the pavers were installed, because in the photos they seem to be very tightly placed. Mr. Brown said from the pictures he has seen there seems to be a gap. There is sand in between them and it probably could have been a little wider to facilitate the water flowing through a little easier.

Member Sovak asked if most pavers had built in spacers as part of the profile so when they are put together it creates a gap. Mr. Brown said some of them do. Mr. Herbert said his have a lip and it can be seen. Mr. Brown said there are many different types, some actually have big holes in them and some are solid like these where the sand is in between the cracks.

Member Drangula said the applicant did not seem to have a problem with the water running off into the cemetery. Mr. Brown said that this is better situation than if the area being actually paved or concreted over. It is certainly much better and it will decrease the amount of water running into the cemetery. He doesn't know what the percentage would be. Usually this type of design of pavers is considered pervious. It is not one hundred percent pervious but neither is the ground surface itself. Member Drangula is concerned about the amount of water that is going to run into the cemetery. Mr. Brown said he isn't saying there would be no runoff at all, but even if the area was just a back yard, there would still be run-off. The pavers are a much better situation than concrete would be.

Chairman Zekas said he believed Mr. Brown was well aware of the ordinance requirements and he didn't know if Mr. Brown ever represented an applicant with such an intense amount of coverage. Mr. Brown said that he had. It was a commercial property and there were pavers and it was designed much like this application. There were solid pavers with sand in the cracks and stone underneath. Chairman Zekas asked where that runoff went. Mr. Brown said it goes into the pavers. If there was a large storm, just like on natural ground surface, there is going to be water because it doesn't reduce down to zero. It would reduce it down to what the ground underneath of it would, but there will still be runoff; that would happen if it were pavers or just ground.

Solicitor Frank said if the pavers were counted there would be 76 percent coverage. Taking the pavers out of the calculation, the coverage would still be at 57 percent. Even without them there is still an exceedance of the allowable impervious coverage. The Board still needs to directly address the issues of runoff from the site. That is what the impervious surface standard is about, as well as the intensity of the environment. Speaking in terms of the way the ordinance is worded and what there is legal authority to talk about, there is an impervious surface variance request in this application. There has been a long-standing interpretation in town that pavers, for the purpose of analysis and not reality, are pervious. That does not mean, given that there are other impervious surface variances built in, that because the pavers aren't part of the legal equation, they don't become part of the reality equation. Although the Board would have to ignore the legal aspect of the pavers, there is the reality that the Board must consider the site's runoff. He wanted the Board to know that they can consider the pavers because there is an impervious coverage application.

Member Sovak asked if at this time the meeting could be opened to the public to hear any comments about runoff or other issues.

It was the Motion of Lutz, seconded by Patel to open the meeting to the public regarding Application ZB#2017-07. All ayes.

Sal Ingemi, 922 Schisler Drive, said he lives diagonally across from the applicant. He has lived there for forty-six years and he has never seen a problem with water. When the homes were built it was done so that everything was sloped and swaled away from the homes toward the road and toward the back and out to the street. There has never been a problem with water. Even after Mr. Herbert installed all of the things in his yard, he has never seen any water problems. It drains and is sloped correctly so that it goes to the cemetery, which is also sloped so that the water runs down to Ninth Street. He said he also thinks the appearance of the yard is great. He has been there and what Mr. Herbert has done is amazing. He thinks it would be a shame to make him have to alter anything.

Steve Cubberly, 923 Schisler Drive, said he lives right next door to Mr. Herbert. There is never any problem with water. He agreed with Mr. Ingemi that the water runs from the center of the property to the back and the front part of the property runs to the street. The water follows the track along the fence line to Ninth Street and there is never any problem with water. Even with the last big storm, the water ran but the houses all stayed dry.

Seeing no one else wishing to be heard, it was the Motion of Lutz, seconded by Patel to close the public hearing. All ayes.

Mr. Drangula said Mr. Cubberly said his house was to the right of Mr. Herbert's. He said Mr. Cubberly made the comment that the water runs toward Schisler Drive out to Ninth Street. He asked about the property on the other side of the property. He asked if there were water issues on that property. Mr. Herbert said it has been empty for a number of years but he has never noticed any puddling in the yard at all and it is highly visible. That side of his property if full of trees with ground and dirt. Member Drangula asked about water from the driveway. Mr. Herbert said the side of the driveway is just stone. He has never seen any puddling there. The stone acts as a French drain.

Member Patel asked if the fence was on the property line. Mr. Herbert said the existing fence is on the property line and then he pulled a permit for the fence James Hoey let him put against the other one, but there is about six inches between the fences.

Member Drangula asked if there was a fence between the driveway and the other property. He asked what the area was like topographically. A Board member said it looks like it just slopes a little forward straight from the house. Mr. Brown said water runs down the driveway toward Schisler Drive.

Mr. Herbert stated with all due respect, he understands that the main issue is the water runoff. The water is absorbed through the pavers with the correct notches that allow the sand. They were installed by a professional landscaper. He pitched everything the way he expected the water to run. The neighbors at the meeting said there is no problem with the water draining and there is no puddling. He voiced his frustration that everyone just keeps talking about the same thing when there isn't a problem. The pavers are considered pervious. He would like the Board to allow him to keep things the way they are. There is no one at the meeting

complaining about water runoff and no one is complaining about puddling. It doesn't seem like there is a problem, in his opinion.

Solicitor Frank said the Board has the responsibility to weigh the evidence that is presented against the standards in the law. They have to balance the potential detriments of deviating from ordinance standard against the perceived benefit to the community of granting the variance. It is the Board's job to make sure that it fully understands the benefits as well as all of the detriments. They weigh that and explore it very carefully. He understands what Mr. Herbert just said, but it is the Board's job to weigh everything. In carefully exploring all the potential issues that could arise, the Board is fulfilling its obligation to make sure there is not a substantial detriment to the public good.

At this time there was a short recess.

Chairman Zekas called the meeting to order. He asked for Engineer Banff to discuss his letter and his opinion of the testimony that was offered to this point. Engineer Banff said that Mr. Herbert provided answers to a lot of the questions he had in the first letter and provided the documents that were requested and he corrected the easement. By doing these things, he has improved some of the existing variances that were at the site. As far as lot coverage is concerned, he calculated it to be 57 percent with 7 percent exceeding. There is a stone pad near the shed that he included as part of the lot coverage calculation. Taking it out of the equation, the percentage becomes 56 percent. From the 2001 condition to what is there now, the lot coverage is 525 sq. ft. more than it was in 2001. There was testimony that the pavers have a stone bed beneath them. It was stated the water is running through them but he does not believe they were designed to do that, he thinks they are more compact. The neighbors testified that there was a significant storm in August and their neighborhood was one of the few areas that didn't get flooded. Engineer Banff said the site generates runoff and there is still the question of where it goes. The testimony provided indicated the drainage is divided between the house. The assumption can be made that at the roof line at the center of the house, the front drains to the roadway and the rear goes to the cemetery. He doesn't know where it drains to once it reaches the cemetery.

The other variance would be for the pavilion. It is 300 sq. ft. where 250 sq. ft. is permitted. He clarified that there was a typo and the garden shed is compliant. Member Sovak asked what was used to establish the square footage of the pavilion. He wanted to know if it was the roof line or the interior space. He noted there seemed to be an overhang all around the four columns and the corners. Engineer Banff said it would be the eave line of the roof. He said the applicant testified that the height of the pavilion was 12.5' and that he would secure the necessary building permits required for the structure to legalize it.

Chairman Zekas said the photo provided pre-dates the construction of the fireplace and the pavilion and the other structures. It shows that runoff does occur on the rear of the lot. The grass is a lot greener behind the property than in the adjoining areas. One of the neighbors indicated the water runs toward Ninth Street, but in the same area behind the vacant house next door, the grass is brown. This indicates that it isn't getting as wet in that area. His opinion is that there is water discharge from the applicant's lot and he believes that was confirmed. It is the responsibility of the Board to minimize variances wherever and however possible. He asked if there was anything that the applicant or Mr. Brown could recommend

since the preexisting condition was 50 percent. That is twice what is allowed. Now it is going up another 6 percent.

Mr. Brown said considering the pavers are pervious, taking out the pavers would not have an impact. If there is concern about the water running into the cemetery, a strip of pavers could be removed along the back and a French drain installed. That would be one option. Member Drangula asked where the water would go. Mr. Brown said there would be a perforated pipe. Member Drangula said he was also concerned about the drainage on the side next to the vacant home. He thinks the water would run in the front of the house. Mr. Brown said the water is going down the driveway to Schisler Drive and down to Ninth Street. He indicated on the exhibit how the water would flow. Member Drangula said legally the pavers are pervious but the testimony of the Board Engineer was that they were installed very close together. Mr. Brown said there is no way for there to be zero run off but water does percolate in through the cracks. In general, there will not be the runoff that there would be with solid concrete.

Member Drangula asked Engineer Banff if he had looked at the front and side of the house near the driveway. Engineer Banff said there is water running into the stone driveway and the concrete driveway drains right to the street. There may be some that gets caught in the stone area but mostly it all drains to the street.

Solicitor Frank said he takes the position that there are pre-existing, non-conforming conditions. He believes everyone accepts them. They include the 50 percent lot coverage. Normally, when the Board is presented with a minor deviation from the impervious lot coverage on an undersized lot, the Board realizes there is a certain number of amenities that properties want to have and the Board doesn't want to be overly restrictive. That is a common basis for the Board to grant a variance. The aerial view is kind of helpful in showing that there are many properties in the area with pools. A line that is frequently in the resolutions he writes is that an amenity has become increasingly common in a neighborhood. That is how the property got to the 50 percent. The discussion is regarding the additional 6 percent. The Board needs to look at the benefits and detriments. One detriment is the lot coverage. It also becomes a more intense use of the site. These issues relate to the zoning ordinance. There is also the public good to consider. This would include the runoff from the site. The C2 argument for the area of the size for the pavilion is pretty straightforward. The Board will need to weigh the benefits and the detriments. The detriments have to substantially outweigh the benefits in order to be denied. All the information that is used to form a conclusion must be substantial. There can also be mitigation to alleviate some of the concerns.

Chairman Zekas said Mr. Herbert has had the opportunity to hear the Board's discussion. When he testified in June, he provided rationale for the construction as it currently exists. The job of the Board is to minimize variances wherever possible. There is some concern here about runoff. Even though no one complained about drainage issues, there are two properties to the rear and side of the subject property that are likely impacted by the runoff. He asked if Mr. Herbert thought there was anything he could do to minimize the impervious coverage.

Mr. Brown said recharge could be installed in areas where it would be possible to do that. At the rear of the property the pavers are up against the fence. They would need to be pulled

back. Another option would be to catch the water from the roof. He doesn't know where they would be able to do that. Chairman Zekas inquired about the runoff from the pavilion. Mr. Brown said there was an area along the side where there are no pavers. It is a little difficult to put there because of the trees. There are some areas that could be explored. Some of the pavers at the back of the property could be pulled up and some recharge could be installed there.

Member Drangula asked if the fence was at the back of the property. Mr. Herbert said it was. Member Drangula said in order to install the recharge, pavers would need to be removed along the fence. Mr. Herbert said his property is a little higher and it runs to the cemetery. The cemetery property slopes down and the water runs right to Ninth Street.

Solicitor Frank suggested there was a gravel area that could be engineered for recharging. Member Patel said in Photo 1 it looked like the gutter at the back of the house was going to the front. Mr. Herbert said that was correct. All of the gutters come off the top roof to the front and run down the driveway to the street.

Member Lutz suggested using the stone areas that are already there for recharge and take some of the pavers off the back and try get back to the 50 percent lot coverage. Mr. Brown said some of the roof runoff could be caught with gutters and directed to a recharge area. In the rear about 1' of pavers could be removed and stone and perforated pipe could be installed. That would take away some of the runoff to the cemetery.

Member Drangula said something would need to be done about the water. No one here is a runoff engineer so no one knows how much is running off and no one knows how much needs to be captured. Mr. Brown said he is trying to mitigate the 6 percent that is over the 50 percent and again suggested the captured gutter and removing some of the pavers in the back.

Solicitor Frank asked if the idea was to bring the storm water impact to what it would have been at 50 percent. Mr. Brown said by considering the pavers pervious, taking them out will not reduce the coverage percentage. He is just trying to mitigate the runoff from the 6 percent. The actual impervious coverage would not be reduced.

Member Drangula said according to the code there won't be a change to the impervious ground coverage but it will be beneficial in the long run as far as the runoff. Mr. Brown said essentially there would be the runoff amounting to 50 percent of the coverage.

Engineer Banff said in 2001 there was 50 percent lot coverage and it has since increased to 56 percent; however, there was also an increase in storm water runoff. There is actually 70 percent to 75 percent runoff. From 2001 to now there is more water that is coming off the site. It is because the change of the covering. He didn't know if there was a way to mitigate the impervious surfaces but there would still be water runoff.

Solicitor Frank said he agreed with Engineer Banff that regardless of if the Board considers pavers to be pervious or impervious there is a change in the amount of runoff coming from the property.

Engineer Banff said there would need to be a drainage analysis prepared. Member Drangula said it would be hard to make a decision without that information. Solicitor Frank said if the Board were to direct Engineer Banff or Mr. Brown with a target of how much runoff would

be acceptable, they could work toward that goal. It could be a condition of the approval. A condition of approval could be to create some recharge areas that would absorb the runoff of about 6 percent of the area of the lot, which is the new impervious coverage amount. The engineer suggested a standard for that, which would be the water quality storm. In stormwater regulations there are different tiers of storms. The water quality storm is a storm that is considered a typical storm that occurs on a regular basis. The question becomes how much of the water quality storm should be required. Six percent is the new impervious coverage and everyone agrees. There is also another 20 percent of coverage that was added to the site with the pavers. They historically are considered to be pervious but the reality is that they have some impact on the increase of runoff.

Member Drangula asked if it would be possible to return the site to the way it was in 2001 as far as drainage was concerned. He wanted to know if that would be too much. Engineer Banff said a study would need to be performed. He estimated there was probably a 20 percent increase in runoff. It could be engineered to capture some of it. The pavilion roof could be captured and it is possible to capture additional runoff in other areas also. He asked if there was a basement in the house. Mr. Herbert said it was a bi-level. Engineer Banff said his concern would be when looking at recharge and pushing water into the ground at a certain spot, what percent would be the impact to the basement or cause a problem somewhere else. Right now, the water runs off the site into the cemetery and doesn't impact the neighbors. If it is concentrated into a couple of small areas it could possibly cause issues for the neighbor's basements or water issues for his own property.

Mr. Herbert asked if he could put gutters on the pavilion that would empty to the stone area near it and then remove the pavers at the back of the property and install a French drain type system. Engineer Banff said it would need to be sized correctly. It is certainly something that could work but it would need to be balanced against the potential for drainage problems and water issues for nearby basements. It would have to be done carefully. Mr. Herbert said the property slopes to the back and the water would drain that way.

Solicitor Frank asked Engineer Banff if it would be feasible to recharge a significant amount of water on the site. He asked if it would be designable. Engineer Banff said it could be done, it would just have to be done carefully. The water is being moved from rooftops to keep it from going into the basement. Because the site is very compact it is pushing the water right where you don't want it. Mr. Herbert said it all pitches to the back. Engineer Banff said this would direct it to the ground in a certain spot. It would have to be done carefully because it could cause problems.

Solicitor Frank said it if it becomes not designable or impractical, could the Board ask for a certain amount to be recharged. Engineer Banff and Mr. Brown need to meet and design something. If it doesn't work it would be back before the Board.

Chairman Zekas said he thought it was a good approach. He appreciated Engineer Banff's comments about impacting the basement. The water should be directed to the furthest point from the home.

Member Sovak said in the aerial photo it looked like there was a catch basin in the street in the area that is at the end of the path through the cemetery. Mr. Herbert said that was correct and that is where his water goes, along with his neighbors'.

Mr. Brown said the object would be to try to reduce the amount of water that is running off the property. It would make sense to try and capture it at the property line. With larger storms, once the pipe fills up the water it will run to the cemetery; but, the benefit of capturing at the property line is that it will prevent erosion of the pavers. Picking up water at the pavilion is a possibility, or it could run to the back and the pipe there would get it. That might be a better alternative since there are concerns about water getting in the basement.

Member Drangula said he is still concerned about the house on the left. Mr. Brown said if the water from the pavilion is picked up with a gutter, the gutter could be run to the back. It would direct the water to the back of the property where the stone would be.

Chairman Zekas agreed that would be a good approach. Other members of the board were also in agreement. Solicitor Frank said if it ends up being something that doesn't work, Mr. Herbert would come back to the Board. Chairman Zekas said if this was a new application, this discussion would not be happening.

Solicitor Frank said the condition that has been discussed is piping and laying gutters to recharge the rain water and create a recharging area at the rear of the property. This would cause the removal of some of the pavers to store up to a certain percentage of the lot areas impervious surface. Six percent is what is known to additional impervious. It is up to the Board to decide what the percentage will be. It would be subject to administrative review and approval by the Board Engineer. The resolution will reflect that if it is not designed to the Engineer's expectations the applicant will be required to return to the Board.

Chairman Zekas said the applicant is requesting 6 percent. Member Lutz asked if a minimum could also be required in case the goal number is not able to be done. Engineer Banff said the difference of coverage is since the 2001 survey and now. He said it is a hard number to pinpoint. Chairman Zekas agreed there should be a minimum. If the requested is 6 percent and 3 percent is all that could be done, there would need to be discussion regarding that.

Solicitor Frank said the percentage is of the impervious coverage of the lot. The lot is 9,000 sq. ft. Six percent of that is 540 sq. ft. If the percentage decided is six, the applicant has to recharge whatever amount of water runs off 540 sq. ft. in a water quality storm. Chairman Zekas said 540 sq. ft. does not sound like a huge number to require the full 6 percent.

Engineer Banff and Mr. Brown discussed what would be required to capture the correct amount of water. Mr. Herbert said he would be willing to do whatever was required of him.

Solicitor Frank asked there was going to be gutters directed from the pavilion to the rear. A board member indicated that was something they would like to require. Mr. Brown said there would be gutters that would downspout onto the pavers and run to the rear of the property.

Chairman Zekas said the Board is looking at a bulk variance and impervious lot coverage. He confirmed the Board was using the excess of 6 percent over what it was in 2001. It is conditioned upon the administrative review of the professionals to provide adequate drainage to contain the additional 6 percent coverage.

It was the Motion of Drangula, seconded by Lutz to approve Application ZB#2017-07 with the conditions as discussed by Solicitor Frank.

Upon roll call, the Board voted as follows:

YEAS:	Drangula, Lutz, Patel, Sovak, Zekas, Mattis
NOES:	None
RECUSED:	Buddenbaum, Puccio
ABSENT:	Cartier

MINUTES

It was the Motion of Patel, seconded by Lutz to approve the minutes of the Regular Meeting of September 7, 2017. All ayes.

CORRESPONDENCE

None at this time.

OTHER BUSINESS

Member Mattis said she will not be able to attend the next meeting because of knee surgery. The Board wished her luck with her procedure.

PUBLIC COMMENT

There was no public wishing to be heard.

ADJOURNMENT

It was the Motion of Sovak, seconded by Patel to adjourn the meeting at 9:41 p.m. Motion unanimously approved by all members present.

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Larry Lutz, Secretary

/ak