



**Berkeley Heights Environmental Commission**  
29 Park Avenue  
Berkeley Heights, NJ 07922  
(908) 464-2700 ext. 2116  
[www.BH-EC.org](http://www.BH-EC.org)

**MEMO**

**June 10, 2020**

**TO: Zoning Board of Adjustment**

**Subject: 47 Cromwell Court., Block 1602, Lot 9**

**Findings of Fact:**

- The applicant proposes to construct an above-ground swimming pool.
- The rear area of the site appears to include a FEMA AE zone, a stream, and a riparian zone.
- Recharge value appears to be zero inches per year.
- Slope of up to 3 percent.
- Coverage for existing structures (17.08%), existing accessory items (10.36%) and total existing lot coverage (27.44%) exceed the maximum allowed.
- Proposed coverage for accessory items will increase to 14.07% and total proposed impervious coverage will increase to 31.15%, which exceed the maximum allowed.
- DEP has adopted groundbreaking green-infrastructure rules to reduce pollution and flooding from stormwater runoff.
- It is not clear if the pool will encroach the AE zone and riparian area.
- As the Zoning Officer has noted, NJAC 7:13-7.21 Permit-by-rule 21 – “construction of a swimming pool associated with residential use” may apply.
- It is not clear whether trees will be removed.
- Application does include General Construction and Design & Grounds and Landscaping Considerations.

**Recommendations:**

- In light of the possible incursion of the project on the AE zone and riparian area, the Environmental Commission recommends that the Zoning Board *not* approve this application.
- Should the Zoning Board vote to approve this application, the Environmental Commission recommends
  - In light of the new DEP green infrastructure rules and recharge value, the applicant be required to retain stormwater runoff on the property with green infrastructure. Disconnect any downspouts or sump pumps from the street and connect them to rain gardens or vegetative swales. Information on rain gardens can be found at [http://water.rutgers.edu/Rain\\_Gardens/RGWebsite/rginfo.html](http://water.rutgers.edu/Rain_Gardens/RGWebsite/rginfo.html).
  - A Letter of Interpretation be required to demarcate the AE zone and riparian area.
  - The application make clear if trees will be removed.

*R. Hei*