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March 31, 2026

Via E-mail
J. Bianco, Zoning Board Chair
D. Steinhagen, Zoning Board Attorney
Closter, NJ

RE: Draft Ordinance Amended Ch. 176 Swimming Pools

Dear Mr. Bianco and Mr. Steinhagen:

At their March 31, 2026 meeting, the Ordinance Committee reviewed the attached revised Draft Ordinance amending Chapter 176 of the Closter Code.

By way of background, this Ordinance was precipitated by the Zoning Board's report to the Mayor and Council dated December 18, 2025. Paragraph six (6) of that report states:

> The Zoning Ordinance should be amended to require a deck, patio or other hardscape area around of at least 4 feet in width at least two sides of any swimming pool, which shall be included in the impervious coverage calculation.

Upon review and discussion of this item at the February 4, 2026, Planning Board Meeting, the Planning Board attorney recommended that this item not be a zoning change, but rather an amendment to Chapter 176, Swimming Pools.

Thereafter, I drafted an earlier version of the attached amended Swimming Pool Ordinance using the exact language quoted above and forwarded same to the Ordinance Committee for review and discussion. At the Committee's March 2, 2026 meeting, the Borough Engineer and Construction Code official also attended. At the recommendation of both the Engineer and Construction Code Official, the Committee determined that the requirements should be revised slightly. You will note that the highlighted text in Paragraph D states: "No permit for a private swimming pool or wading pool shall be issued by the Building Inspector unless the plans include a deck, patio or other hardscape area around the pool which measures at least three (3) feet in width (excluding the coping) and is located around the entire perimeter of the pool. Said hardscape shall be included in the impervious coverage calculation." The Committee considered factors such as coping is usually 12-18 inches and an area was also needed around the pool to hook up the cover, hence, 3 feet excluding the coping would be at least 4 feet around the pool. The discussion also included the fact that not all pools are rectangles, so requiring hardscape on "at least two sides" could be confusing. Therefore, they revised that requirement to state the hardscape must be all around the perimeter.

Thereafter, at the March 31, 2026 meeting, the Committee asked for stronger language to be inserted regarding the architect's calculations. You will find the amendments that the Committee is

proposing highlighted in yellow on the attached draft ordinance.

Please note that the Committee received your March 31, 2026 email in which you suggested: "Rather than require the perimeter impervious around the entire pool (to avoid the confusion of pools that are rounded), which will increase impervious coverage and generate more variance requests, perhaps require hardscape around 50% of the pool perimeter (instead of on 2 sides)." This suggestion was briefly discussed but the Committee felt the current wording in the attached draft Ordinance better reflected their intent.

The Committee asks that the Board kindly review the attached draft Ordinance dated March 31, 2026 and provide their comments. Thank you.

Very truly yours,
HUNTINGTON BAILEY, L.L.P.
JoAnn Riccardi Schuman
JoAnn Riccardi Schuman

Enc.

cc: Ordinance Committee
William J. Bailey, Borough Attorney
James Winters, Borough Administrator
Nick DiNicola, Borough Engineer
J. Scott Jezequel, Construction Code Official
Paul Demarest, Zoning Board Clerk