

Subject: Clarifications Regarding Complaints from Andy and Jane Kessler re 40 Eagle Ridge Way
Date: Tuesday, December 19, 2023 at 3:42:46 PM Eastern Standard Time
From: Richard Cohn <rcohn@merchantshospitality.com>
To: smccartney@westorange.org <smccartney@westorange.org>, tbiondi@westorange.org <tbiondi@westorange.org>, West Orange Township - Zoning Official <ZoningOfficial@westorange.org>, psmeraldo@westorange.org <psmeraldo@westorange.org>, zcarballo@westorange.org <zcarballo@westorange.org>, forester@westorange.org <forester@westorange.org>, Shamar Vernon <shamar@hepscd.org>

Dear Honorable Mayor McCartney, Mr. Thomas Biondi, Ms. Geniece Gary-Adams, Mr. Peter Smeraldo, Jr., Ms. Zayibeth Carballo, Mr. Shamar Vernon, Mr. Walt Kipp:

I am writing in response to the complaints of my neighbors Andy and Jane Kessler who live to the east of us at 29 Mountain Avenue.

I was unaware of these complaints until the recent receipt of the OPRA response from the Town, revealing that Mr. Kessler's concerns date back to September of 2021.

My wife Monica, and our sons, Gavin, Jordan and Trey, have lived in West Orange since 1997, demonstrating our commitment to the community.

Our decision to move to 40 Eagle Ridge Way last May was fueled by our strong affinity for West Orange. Our son, Jordan, who is classified on the autistic spectrum, was honored by the town for receiving a gold medal in Alpine Skiing at the 2020 Special Olympics. We share a deep love for both skiing and swimming, the latter being a crucial recreational activity for Jordan's well-being.

We embarked on a project to install an inground pool, engaging Grabowski Construction, a reputable West Orange-based excavator frequently utilized by the Town. We take issue with Andy Kessler's unsubstantiated assertions in his September, 2021 emails to former Mayor Parisi, Ryan Schinman and Ms. Adams.

To address any potential concerns regarding drainage, on our own initiative, we retained Matarazzo Engineering to design a drywell drainage system, with ten (10) retention tanks, adhering to strict storm calculations. This plan was submitted to the town on March 2, 2023, thereafter approved, and the extensive drywell system was installed at considerable expense. As set forth in the engineering calculations, our improvements have significantly reduced water flow, not increased it.

Despite these efforts, Andy Kessler's December 4, 2023, letter unfortunately continues these unsubstantiated complaints. In his email, Mr. Kessler claims that Mr. Kipp's mention of a pipe diverting water, is based on misinformation. First, this elliptical pipe was not part of the new drywell drainage system installed in connection with the backyard improvements. Second, the elliptical pipe replaced the existing damaged pipe that was already part of the pre-existing drainage ditch that runs from the Crystal Point Townhouse community wooded area on the west side of Eagle Ridge Way, through our property at 40 and 42 Eagle Ridge Way. Third, I was told that replacing the pre-existing damaged round pipes with an elliptical pipe was as an environmentally sensitive improvement, not a deviation.

In the spirit of neighborly goodwill, I've made multiple outreach attempts to the Kesslers, allowing them to inspect our property during construction and addressing concerns about workers encroaching on their land. Unfortunately, these efforts seem to be in vain, as their recent email to you on December 13, 2023, outlines improper demands without acknowledging our attempts at resolution.

Despite this ongoing challenge, my wife Monica and I remain committed to an amicable resolution. We extended an invitation to Andy and Jane Kessler on December 8, 2023, for a discussion over coffee to address any legitimate concerns and find common ground. Regrettably, they have yet to respond.

We have asked our engineer to review the as-built construction, and we are committed to addressing any valid concerns. We are willing to cooperate fully, even if it means making further improvements to address the Kessler's apprehensions.

I understand that you have many pressing matters to attend to, and I appreciate your time in considering this matter. Our goal is to maintain transparency and resolve this issue in a manner that benefits both parties and preserves the harmony of our community.

Wishing all of you a joyous holiday season and a happy new year.

Best,

Richard Cohn

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