

**BOROUGH OF INTERLAKEN  
MINUTES- PLANNING BOARD  
MAY 15, 2023 7:30 P.M.  
BOROUGH HALL, 100 GRASSMERE AVENUE**

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A meeting of the PLANNING BOARD of the Borough of Interlaken, Monmouth County, New Jersey was held on May 15, 2023, at 7:30 p.m. in the Borough Hall.

Vice Chairwoman Umfrid opened the meeting, announced that the meeting was being held in accordance with the Open Public Meeting Act and that Notice of the meeting had been published in the Coaster. The announcement was followed by the Pledge of Allegiance.

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**ROLL CALL:**

**Present:** Vice Chairwoman Umfrid, Councilman Blasucci, Mr. Tilton, Ms. Dalton, Mr. Wasilishen, Mr. Weaver, Ms. Kane, Ms. Kapp and Ms. Heinz

**Also Present:** Board Attorney Kevin Kennedy, Board Engineer Peter Avakian and Planning Board Secretary Gina Kneser

**Absent:** Chairman Papp

UPON MOTION of Mr. Weaver seconded by Ms. Kapp carried, the Board approved the February 27, 2023 minutes.

**ROLL CALL:**

**In Favor:** Vice Chairwoman Umfrid, Ms. Dalton, Mr. Weaver, Ms. Kapp and Ms. Heinz

**Opposed:** None

**Ineligible:** Councilman Blasucci, Mr. Tilton, Mr. Wasilishen and Ms. Kane

**Abstain:** None

**Absent:** Chairman Papp

UPON MOTION of Mr. Tilton seconded by Mr. Weaver carried, the Board approved the April 17, 2023 minutes.

**ROLL CALL:**

**In Favor:** Vice Chairwoman Umfrid, Mr. Tilton, Mr. Wasilishen, Mr. Weaver and Ms. Kane

**Opposed:** None

Ineligible: Councilman Blasucci, Ms. Dalton, Ms. Kapp and Ms. Heinz

Abstain: None

Absent: Chairman Papp

MEMORIALIZATION

**RESOLUTION**

**INTERLAKEN PLANNING BOARD  
DANIEL POTOCZNIAK / EDWARD FAULKNER  
404 GRASMERE AVENUE, INTERLAKEN, NJ  
BLOCK 7, LOT 3**

**Introduction**

**WHEREAS**, Daniel Potoczniak and Edward Faulkner have made Application to the Interlaken Planning Board for the property designated as Block 7, Lot 3, commonly known as 404 Grasmere Avenue, Interlaken, New Jersey, within the Borough's R-A Zone, for the following approval: Bulk Variances associated with a request to construct an addition to an existing single-family home; and

**Public Hearing**

**WHEREAS**, the Board held a Public Hearing on April 17, 2023, Applicants having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

**Evidence / Exhibits**

**WHEREAS**, at the said Hearing, the Board reviewed, considered, and analyzed the following:

- *Development Application Package, introduced into Evidence as A-1;*
- *Architectural Plans, prepared by Mary Ortman, Architect, dated February 6, 2023, with no revisions for sheets labeled A-1, A-2, and A-3. (However, on sheet SP1, the revision date is March 27, 2023), the sheets were collectively introduced into Evidence as A-2;*
- *Survey of property, prepared by Morgan Engineering & Surveying, dated July 18, 2022, introduced into Evidence as A-3;*
- *Sketch of the proposed addition (as set forth on the Survey), undated, introduced into Evidence as A-4;*
- *Leon S. Avakian, Inc. Review Memorandum, dated March 23, 2023, last revised April 4, 2023, introduced into Evidence as A-5;*

- *Various pictures of the subject property, collectively introduced into Evidence as A-6;*
- *Illustrated Rendering, sheet SP1, prepared by Mary Ortman, Architect, last revised February 6, 2023, introduced into Evidence as A-7;*
- *Affidavit of Service;*
- *Affidavit of Publication.*

**Witnesses**

**WHEREAS**, sworn testimony in support of the Application was presented by the following:

- Daniel Potoczniak, Applicant, appearing pro se;
- Edward Faulkner, Applicant, appearing pro se;
- Mary Ortman, Architect;

**Testimony and Other Evidence Presented on Behalf of the Applicants**

**WHEREAS**, testimony and other evidence presented by the Applicants revealed the following:

- The Applicants are the Owners of the subject property.
- The Applicants have owned the subject property since approximately 2022.
- There is an existing single-family home at the site.
- There is a need for increased living space at the site.
- In order to increase living space at the site, and in order to make the home more functional, the Applicants propose to construct an addition.
- Details pertaining to the proposed addition include the following:

Location:	Rear of home, partially over a currently existing deck. (Per Plans)
Size:	Per Plans
Materials:	Cedar siding (Per Plans)

- Upon completion of the renovation process, the renovated home will include the following:

**BASEMENT**

Crawl Space / Basement

**FIRST FLOOR**

Dining Room

Living Room  
Kitchen  
Bathroom  
Deck

SECOND FLOOR

Primary Bedroom  
Bedroom  
Bedroom  
Bathroom  
Bathroom

- As referenced, a portion of the addition will be constructed over the currently existing deck. (The remainder of the deck, which is not affected by the proposed addition, will continue to remain at the site.)
- The Applicants will be installing gutters and leaders on the proposed addition.
- The Applicants will be consulting with a Certified Landscape Architect, so as to add additional landscaping to the site.
- The Applicants anticipate that the renovation work will be completed in the near future.
- The renovation work will be completed by licensed contractors.

Variances

**WHEREAS**, the Application as submitted requires approval for the following Variances:

*SIDE YARD SETBACK: Minimum 15 ft. required; whereas 4.4 ft. exists and is proposed (on the west side of the property);*

*IMPERVIOUS SURFACE AREA: Maximum 45% allowed; whereas 56% proposed (55.9% currently exists);*

Public Comments

**WHEREAS**, sworn public comments, questions, and / or concerns regarding the Application were presented by the following individuals:

- NONE

Findings of Fact

**NOW, THEREFORE, BE IT RESOLVED**, by the Planning Board of the Borough of Interlaken, after having considered the aforementioned Application, plans, evidence, and testimony, that the Application is hereby **granted / approved with conditions**.

In support of its decision, the Planning Board makes the following Findings of Fact and Conclusions of Law:

1. The Interlaken Planning Board has proper jurisdiction to hear the within matter.
2. The subject property is located at 404 Grasmere Avenue, Interlaken, New Jersey, within the Borough's R-A Zone.
3. The subject property is rectangular in shape; measuring 50 ft. in width by approximately 146 ft. in depth.
4. The existing site contains a single-family home. (Single-family Use is a permitted use in the subject Zone).
5. In order to increase living space at the site, the Applicants are proposing the construction of an addition. (The details for the proposed addition are set forth on the Plans, and were discussed, at length, during the Public Hearing.)
6. Such a proposal requires Bulk Variance approval.
7. The Interlaken Planning Board is statutorily authorized to grant the requested relief and therefore, the matter is properly before the said entity.
8. With regard to the Application, and the requested relief, the Board notes the following:
  - Single-family use is a permitted use in the R-A Zone.
  - Per the testimony and evidence presented, there is a need for increased living space at the site.
  - The Board recognizes that the Applicants' goal associated with the within proposal is to increase living space at the site, and to make the home more functional, for a modern family.
  - The Board recognizes, accepts, and understands the aforesaid bases for the Development Application.
  - The addition approved herein will result in the home having more living space and being more functional, without causing substantial detriment to the public good.

- The Board notes that the subject Lot is an undersized Lot. Specifically, a minimum 15,000 SF Lot Size is required in the Zone – whereas the subject Lot only contains 7,302 SF. The Board notes that the said condition is an existing condition, which is not being exacerbated as a result of the within approval.
- The Board understands that the undersized Lot compromises the ability of the Applicants to satisfy all Prevailing Bulk Standards.
- The Lot currently has an undersized width. Specifically, a minimum width of 75 ft. is required; whereas, the width of the within Lot is only 50 ft., which is an existing condition.
- In conjunction with the above point, the Board notes that the narrowness of the subject Lot helps justify the requested Variance relief.
- The Board is aware that currently, the subject property has a non-conforming Lot Depth of only 146 ft. (whereas 150 ft. is otherwise required). Again, the Board recognizes that the said condition is an existing condition, which is not being exacerbated as a result of the within approval.
- The minimum Front Setback required in the Zone is 50 ft. (or an average alignment of the existing buildings within 200 ft. of the side of the Lot, and within the same block). The Board is aware that the existing Front Setback is a non-conforming 34.3 ft. The Board is also aware that the said condition is an existing condition, which is not being changed or otherwise exacerbated as a result of the within approval.
- The minimum Side Yard Setback allowed in the Zone is 15 ft.; whereas, the existing East Side Yard Setback is only approximately 9.5 ft. The Board notes that the said condition is a pre-existing condition, which is not being exacerbated as a result of the within approval.
- The existing West side of the property has a non-conforming Side Setback of only 4.4 ft. (whereas 15 ft. is otherwise required). The Board is aware that the addition approved herein will continue the aforesaid 4.4 ft. West Side Setback.
- Under the circumstances, it is only natural for the addition to continue the pre-existing non-conforming 4.4 West Side Yard Setback.
- With the within approval, the non-conforming West Side Yard Setback will be continued, but not exacerbated.
- The Application as presented requires a Variance for Impervious Coverage. The relevant calculations in the said regard include the following:

Maximum allowed impervious coverage .....	45%
Existing impervious coverage .....	55.9%
Proposed impervious coverage .....	56%
- The Board recognizes that because the addition approved herein will be constructed over an already existing deck, the Lot Coverage increase associated with the within approval is very minimal.

- The addition approved herein will increase the overall Impervious Coverage at the site by approximately .1% (i.e. 55.9% to 56%).
- Under the circumstances, the Board recognizes that the required Impervious Coverage Variance relief is de-minimus in nature.
- Notwithstanding the de-minimus increase in overall Impervious Coverage, the Board notes that the Impervious Coverage at the site already exceeds that which is permitted. To mitigate any potential adverse issues associated with the excess Impervious Coverage, the Applicants have agreed (as a condition of the within approval) to install a dry-well (or dry wells) at the site, if required by the Board Engineer.
- The installation of the aforesaid dry-well(s) will help mitigate any potential stormwater management issues associated with the within approval.
- The installation of the dry-well, as aforesaid, helps justify the Variance relief granted herein.
- The Board applauds, and appreciates, the overall architectural design of the renovated structure approved herein.
- The renovated home approved herein will add to the general overall architectural charm of many of the homes in the Borough of Interlaken.
- Subject to the conditions contained herein, the addition approved herein will not overpower the site, the neighborhood, or the Borough as a whole.
- Based upon the testimony and evidence presented, and based on an intensive review of the Architectural Plans, there will be a seamless transition between the existing structure and the proposed addition.
- The Board notes that the addition approved herein is not very visible from the public street.
- The Board notes that there is a sufficient amount of landscaping at the site already, which, per the testimony presented, will be further supplemented.
- The Board notes that the significant amount of landscaping helps mitigate any potentially adverse consequences associated with the Variance relief granted herein.
- The Board finds that the within proposal will significantly enhance the existing structure.
- The Board finds that the improvements authorized herein will result in a significant / aesthetic improvement.
- The significant visual / aesthetic improvements authorized herein will be beneficial for the property, the neighborhood, and the Borough of Interlaken as a whole.
- The materials for the addition will architecturally / aesthetically match the existing structure.
- The Board appreciates the Applicants' commitment to the Borough of Interlaken and the commitment to improve / upgrade the existing structure.

- There was no known opposition associated with the subject Application.
- As referenced, the subject addition will be constructed over an area where a deck currently exists, and, as such, there will not be a significant change in the overall coverage at the site.
- No Parking Variance is required in connection with the subject Application.
- The existence of sufficient parking is of material importance to the Board – and but for the same, the within Application may not have been approved.
- Given the nature of the Lot and subject to the conditions set forth herein, the Board is of the opinion that the requested relief can be granted without causing substantial detriment to the public good.
- The addition approved herein will not overpower or overwhelm the Site, or the neighborhood.
- Per the testimony and evidence presented, other development / expansion options were reviewed and considered – but the same were not really practical / feasible.
- Approval of the within Application will not appreciably change the nature of the existing and to-be-continued single-family use.
- The Plans approved herein are reasonable, given the site constraints, and given the Applicants’ need to increase the overall functionality of the home.
- The proposed location for the Applicants’ addition is logical and practical.
- Subject to the conditions contained herein, the addition approved herein will not have any significant detrimental impact on adjoining property owners.
- The undersized nature of the Applicants’ parcel / home limits the nature, size, and location of any proposed addition which can be constructed.
- Approval of the within Application will render the home more functional. However, approval of the subject Application will not appreciably intensify the existing single-family use at the Site. Consequently, the Board is of the collective opinion that the requested relief can be granted without impairing the intent or purposes of the Borough Zoning Plan / scheme.
- The proposed addition will comply with the Borough’s Prevailing Height Regulations and therefore, no Height Variance is necessary.
- Subject to the conditions contained herein, approval of the within Application will improve the overall appearance of the area.
- Approval of the within Application will make the existing home more functional, and approval will also improve the quality of life for the Homeowners.

- Additionally, the architectural / aesthetic benefits associated with the proposal outweigh the detriments associated with the Applicants' inability to comply with all of the specified Bulk Zoning Standards.
- The architectural design of the proposed addition will not be inconsistent with the architectural character of other single-family homes / additions in the area (on similarly situated Lots).
- Subject to the conditions set forth herein, the benefits associated with approving the within Application outweigh any detriments associated with the same.
- Approval of the within Application will have no known detrimental impact on adjoining property owners and, thus, the Application can be granted without causing substantial detriment to the public good.
- The improvements to be constructed herein will not be inconsistent with other improvements located in the Borough.
- Approval of the within Application will promote various purposes of the Municipal Land Use Law; specifically, the same will provide a desirable visual environment through creative development techniques.
- The Application as presented satisfies the Statutory Requirements of N.J.S.A. 40:55D-70(c) (Bulk Variances).

Based upon the above, and subject to the conditions contained herein, the Board is of the unanimous opinion that the requested relief can be granted without causing substantial detriment to the public good.

### **Conditions**

During the course of the Hearing, the Board has requested, and the Applicants have agreed, to comply with the following conditions:

- a. The Applicants shall comply with all promises, commitments, and representations made at or during the Public Hearing process.
- b. The Applicants shall comply with the terms and conditions of the Leon S. Avakian, Inc. Review Memorandum, dated March 23, 2023, last revised April 4, 2023 (A-5).
- c. The Applicants shall comply with all Prevailing Height Regulations, as no Height Variance relief is granted herein.
- d. If requested by the Board Engineer, the Applicants shall install dry-well / dry-wells at the site (the details of which shall be reviewed and approved by the Board Engineer). (Additionally, any such dry-well / dry-wells shall be installed / maintained in accordance with manufacturer guidelines, and other best practices.)
- e. There shall be no further expansion of the remaining deck at the site, absent further / formal review and approval of the Interlaken Planning Board.

- f. If applicable, the renovation shall comply with Prevailing FEMA Regulations.
- g. The Applicants shall obtain any applicable permits/approvals as may be required by the Borough of Interlaken - including, but not limited to, the following:
  - Building Permit
  - Plumbing Permit
  - Electric Permit
  - Fire Permit
- h. If applicable, the proposed structure / renovation shall comply with applicable provisions of the Americans with Disabilities Act.
- i. Unless otherwise waived by the Zoning Officer or Board Engineer, Grading Plans shall be submitted to the Borough Engineer so as to confirm that any drainage / run-off does not go onto adjoining properties.
- j. The construction / renovation shall be strictly limited to the Plans which are referenced herein and which are incorporated herein at length. Additionally, the construction shall comply with Prevailing Provisions of the Uniform Construction Code.
- k. The Applicants shall comply with all terms and conditions of the Review Memoranda, if any, issued by the Board Engineer, Borough Engineer, Construction Office, the Municipal Project Assistant, the Department of Public Works, the Bureau of Fire Prevention and Investigation, and / or other Agents of the Borough.
- l. The Applicants shall obtain any and all approvals (or Letters of No Interest) from applicable outside agencies - including, but not limited to, the Department of Environmental Protection, the Monmouth County Planning Board, and the Freehold Soil Conservation District. (To the extent the Application materially changes as a result of any such outside approvals, then, in that event, the Applicants shall be required to return to the Planning Board for further / amended relief.)
- m. The Applicants shall, in conjunction with appropriate Borough Ordinances, pay all appropriate / required fees and taxes.
- n. If required by the Board Engineer and the NJMLUL, the Applicants shall submit appropriate performance guarantees in favor of the Borough of Interlaken.
- o. Unless otherwise agreed by the Planning Board, the within approval shall be deemed abandoned, unless, within 12-months from adoption of the within Resolution, the Applicants obtain a Building Permit for the construction / development approved herein.

**BE IT FURTHER RESOLVED**, that all representations made under oath by the Applicants and / or their agents shall be deemed conditions of the approval granted herein, and any mis-representations or actions by the Applicants contrary to the representations made before the Board shall be deemed a violation of the within approval.

**BE IT FURTHER RESOLVED**, that the Application is granted only in conjunction with the conditions noted above - and but for the existence of the same, the within Application would not be approved.

**BE IT FURTHER RESOLVED**, that the granting of the within Application is expressly made subject to and dependent upon the Applicants' compliance with all other appropriate Rules, Regulations, and / or Ordinances of the Borough of Interlaken, County of Monmouth, and State of New Jersey.

**BE IT FURTHER RESOLVED**, that the action of the Board in approving the within Application shall not relieve the Applicants of responsibility for any damage caused by the subject project, nor does the Planning Board of the Borough of Interlaken, the Borough of Interlaken, or their agents / representatives accept any responsibility for the structural design of the proposed improvements or for any damage which may be caused by the development / construction.

FOR THE APPLICATION: Chairman Papp, Vice Chairwoman Umfrid, Mr. Tilton, Mr. Wasilishen, Mr. Weaver, Ms. Kane

AGAINST THE APPLICATION: None

ABSTENTIONS: None

The foregoing Resolution was offered by: Mr. Weaver and Seconded by Mr. Tilton, and adopted by Roll

Call Vote:

IN FAVOR: Vice Chairwoman Umfrid, Mr. Tilton, Mr. Wasilishen, Mr. Weaver and Ms. Kane

OPPOSED: None

ABSTAINED: None

Councilman Blasucci was sworn in by Board Attorney Kennedy

APPLICATION

15 Rona Street  
Block 11/Lot 30.01  
DeStefano  
Swimming Pool Bottom Elevation

Anthony DeStefano and Patricia DeStefano joined the table.

Board Attorney Kennedy asked if anyone had questions regarding the application Notice. With no questions, Board Attorney Kennedy stated that the Notice was in order and the Board has jurisdiction to hear the application.

Board Attorney Kennedy marked the following exhibits:

- A-1 Planning Board Application Packet
- A-2 Site Plan prepared by Joseph Pillari, Pillari LLC sheet S1 dated 09/13/2022, revised to 04/14/2023, G1 dated 01/27/2023 revised to 02/23/2023, D1 dated 10/25/2022 no revisions
- A-3 Geometry and Structural Pool Plan prepared by Midstate Engineering dated 01/13/2023
- A-4 Final As Built Survey by ClearPoint Services dated 03/19/2021
- A-5 Subsurface Investigation report prepared by William McKeffy of MC Engineering dated 08/23/2022
- A-6 Photo collection of various pictures of the property Photo collection
- B-1 Review memo prepared By Leon s Avakian Inc. dated 04/27/2023

Board Engineer Avakian was sworn in by Board Attorney Kennedy.

Ms. Kapp recused herself at this time. Ms. Kapp is the Mayor's liaison. The Mayor's property is on the 200ft list for this application.

Mr. Tilton also recused himself. Mr. Tilton has represented the applicants in previous real estate transactions.

Anthony DeStefano and Patricia DeStefano were sworn in by Board Attorney Kennedy

Board Attorney Kennedy confirmed with the DeStefano's that Pillari Inc. submitted the application as an agent of the applicants. Mr. DeStefano and Ms. DeStefano are the applicants and confirmed that they are the homeowners.

Mr. DeStefano stated that the applicants purchased the single-family home in 2019. Extensive renovations were done on the home. The DeStefanos moved into the home in April 2021. The second phase of the renovation is to have a landscaping plan. The plan includes a pool. All the previous plans for the home were within the codes and were designed with the intention that no variances would be necessary. There is one part of the landscaping plan that is difficult to comply with and that is the separation of the two feet to the groundwater. The swimming pool requires a variance because it is difficult to comply with the separation of the pool from the groundwater. The current project layout conforms to all the setbacks. There will be landscaping and shrubbery.

Mr. DeStefano stated that French drains have been installed on the property to remedy any water issues going out to neighboring properties. There is a requirement that there be two feet of separation from the groundwater. Originally the plan was to have an 8 feet deep end of the pool, but the depth of the deep end was altered to 6 feet deep to be more compliant with the ordinance. The deep end portion of the pool measures three inches into the seasonal high-water table. Just at the deep end. A variance is required to address that.

Mr. DeStefano stated that the pool dimensions will be 16 1/2ft x 30ft. The pool will be in the back yard which is behind the garage. The property is a corner lot.

Planning Board Engineer/Planner stated that the purpose of the engineering report is basically to enforce the Borough ordinances. The report is done to identify these ordinances and evaluate the lot's compliance with the zoning regulations. The review is to indicate any defects or deficits or issues of noncompliance and to provide any engineering recommendations that could try to resolve any deviations, discrepancies or variances required on the property. The property is a corner lot. There are a number of non-conformities with the existing property and structure. The lot is undersized in lot area. It is just under 12,500 square feet where the zoning ordinance requires 15,000 square feet in this zone. The minimum lot width, per the district, is 75 feet and it complies with the lot width, but the lot depth is not complied with. The lot depth is undersized. The lot depth requires 150 feet and because it is a corner lot, the way the lot measures, the lot width is 122 feet. There is non-conformity with the lot depth and lot area. That is important. Justification for an improvement should be provided by the applicant to show that the variance is not providing any hardship, defect, or impact on the neighbors' properties. There are two setbacks that are not met. The existing front yard along Rona Street is 29.3 feet which is a nonconformity to the 50 feet required. The existing setback along Raymere Avenue is 24.5 feet, which is also an existing nonconformity. There was no average front yard setback provided by the applicant. The nonconformity is based on the 50-foot front yard setback. The side yard setback required by the zoning district is 15 feet. The south side yard setback is 9.7 feet which is also an existing nonconformity to the existing structure. The information is provided so the Board understands there are several nonconformities with the lot and the structure associated with this property. That may influence the way the Board reviews the application. Maximum building coverage is satisfactory. Impervious coverage is currently well under. The impervious coverage is under 10%. Under the Borough ordinance the maximum is 45%. However, with the improvements of the pool and patio the impervious surface area will increase to 44.9%. The percentage is still conforming, but it is just below the 45% maximum.

Board Engineer/Planner Avakian stated that his job is relatively easy. He can evaluate and give the Board facts. The Planning Board has the difficult job. The Board has to determine if the deviations with the ordinance are validated by the testimony of the applicant and does the project have any potential impact on the neighboring properties. The zoning denial was due to the fact that the proposed bottom elevation is not two feet above the

seasonal high groundwater table, as required. The bottom elevation is .25 feet into the seasonal high groundwater table. The separation required is 2 feet between the seasonal groundwater table and the bottom of the pool. The pool is .25 feet into the seasonal groundwater table, so the deviation or the variance required is 2.25 feet. There are nonconformities on the application. For the calculation of the seasonal groundwater variance the pool company listed the coping elevation as 23.25 feet. The pool elevation is typically above mean high water. The property elevation is around 23 feet. The proposed pool coping is 23.25 feet. Based on the design of the pool, the bottom of the swimming pool structure is 16.75 feet. The difference between the 23.25 feet and the 16.75 feet is 7 feet. The seasonal groundwater table is at 17.0 feet. That is .25 feet above at the bottom elevation of the pool. The pool separation is deficient by 2.25 feet. Because the elevation of the pool is slightly higher than the ground around it, the applicant proposes a French drain or a dry well around the perimeter of the property on the two adjacent property lines so that water flowing across the property will be intercepted by this filtration trench and not go on to the adjacent properties. That French drain needs a couple other details. Maybe connect the drain to the street or the Borough drain system in case there is a blockage holding water in the rear yard. There is also a landscape plan along those two lines buffering the pool from the adjacent properties. The swimming pool ordinance includes a very specific reference to the bottom elevation. The pool structure shall not be less than two feet above this seasonal high groundwater elevation. The Planning Board has talked about this before. The Borough Council has talked about this before. Construction into the groundwater elevation causes significant issues. Sometimes it is during construction. Well points may be required, and groundwater will have to be discharged. A DEP permit may be required for the discharge of the surface water or the groundwater. That can be an issue during construction. After construction, the concern, and the reason why this ordinance was really adopted, is to prevent an uplift of the swimming pool. If the pool is into the seasonal groundwater and there is water in the pool, it generally balances itself. If there is no water in the pool, and sometimes people do remove the water in the wintertime, there can be an uplift. Board Engineer/Planner Avakian stated that he has seen this happen around the area in Interlaken, Allenhurst and Deal. Where in the wintertime, if the water is removed from the pool the uplift is so significant in a wet time of year that it actually raises the pool out of the ground. Because there is no buoyancy and there is no differential there. If the pool structure is raised to keep the pool out of the groundwater, this can cause some additional surface water runoff. Which has been seen on two specific properties in the Borough where the Borough had to go out and remediate after construction. Before this ordinance was adopted. It would create flooding or surface water runoff onto adjacent properties and the Board should hear a little more testimony on the hydraulics and application and what impact this might have on adjacent properties.

Mr. DeStefano stated that during the construction there will be dewatering. That has been addressed by the pool construction company. During the construction the pool company will be using a dewatering process. As far as uplifting of the pool, there are two hydrostatic valves that are in the pool. It is a concrete pool that is anchored into the ground. Mr. DeStefano has been advised there is no concern about uplifting the pool with those measures in place. The French drains flow alongside the property, along the adjacent properties. The drains are extensive. On

the south side the drain is 56 feet by 18 inches by 12 foot wide. On the north side the drain is 40 feet by 12 foot by 18 inch deep. The DeStefano's have been advised that the French drains are more than adequate to handle any runoff groundwater. Mr. DeStefano made reference to another pool at 31 Rona Street that was approved with a three-foot two-inch variance, which is greater than the variance currently being requested. The pool has been installed. The DeStefanos have spoken to the owner of that pool. There has been no known issues. with that three-foot two-inch variance. The 2.25-foot variance being requested by the DeStefanos is a smaller variance for a relatively similar sized pool. Speaking with that homeowner at 31 Rona Street, that owner had no known issues on neighboring properties, either groundwater or surface water. This information was all taken into advisement when the pool was being designed, to see if there was going to be a problem with the groundwater. That is the last thing that the DeStefanos wanted to do was to create issues for the neighbors. It would be more likely that the DeStefanos would be most impacted. The Destfanos have done the research here and believe the measures that have been put in place are adequate to support the project. Mr. DeStefano noted that in keeping along the line with measurements of the pool at 31 Rona Street, the displacement of water on that pool was measured and that math was followed and essentially the DeStefanos come out with a much smaller amount of water displacement per square foot. The measurement came out to .3 ounces per square foot on the 19 or 20 homes in the 200ft range radius. It just seems to be an insignificant amount of water that would be impacted by the groundwater. Mr. DeStefano also noted that within that 200-foot radius, there are five pools already in place and there does not seem to have any issues from that. No known issues to the DeStefanos, anyway.

Vice Chairwoman Umfrid asked for questions by Board members.

Ms. Kane asked Board Engineer/Planner Avakian if the installation of French drains in situations like this application actually help. Do the drains solve the issues when they are installed?

Board Engineer/Planner Avakian stated that the drains only work if the grading is appropriate. This property has to grade directly to that French drain and if anything overflows it has to accommodate onto the adjacent property. The initial application did not have a grading plan and it was required because the water will sit there and sit along the property line and has a tendency to go over and the neighbor will have surface water on their side of the property. A French drain anticipates for accommodating the water but if it does, there should be an avenue for the water to discharge either into the street or the drain system as an overflow.

Mr. Weaver asked for details regarding the hydrostatic valves being installed.

Mr. DeStefano stated that it is his understanding that the purpose of the hydrostatic valves is that if the pressure underneath the pool becomes too great that instead of lifting the pool up the hydrostatic valves will open and let water into the pool. There are PVC relief valves that are set to certain pressures and that is standard construction

in a pool. The DeStefanos have been advised by the pool company that this is something they deal with all the time for the specific concern about pools being lifted out of the ground.

Vice Chairwoman Umfrid opened the floor for questions to from the public.

Jennifer Kapp, 510 Bridlemere Avenue, Board member, asked if it was true that every application must stand on its own and the Board cannot reference a past precedence when deciding.

Board Attorney Kennedy stated that each case rises or falls on its own merit and if the prior application is approved it does not mean the Board must approve this one. Likewise, if the prior application is denied, the Board does not have to deny this one. It depends on the merits of each case and other factors.

Ms. Kapp questioned the standing ground water. Ms. Kapp was under the impression that the groundwater had to be managed within your own property.

Board Engineer/Planner stated that that would be surface water. The Borough does not recommend that ground water run to the street. Groundwater should be managed on the property. The French drain will not be accepting groundwater. It will be accepting surface water runoff. The French drain is slightly lower than the perimeter of the pool, so the pool will grade off to the rear property line and be accepted to that French drain and infiltrate into the ground but if it doesn't it should have some kind of a check valve, so it goes out to the street.

Mr. Salagovic, 706 Raymere Avenue, stated that he did not see a discharge on the French drain and based on the rain a month ago that French drain is not going to handle that type of surface run off. Mr. Salagovic would like to know where the discharge is of the French drain. Mr. Salagovic stated that because the depth of the pool is going into the groundwater table, that means it is going to displace the water that is there as the rain comes. Mr. Salagovic asked what his recourse would be, if it starts affecting Mr. Salagovic's property which is adjacent to the applicant.

Board Engineer/Planner Avakian stated that this was the purpose of the ordinance. The ordinance was adopted by the Borough trying to minimize the impact. It is done for homes, detention basins, and for swimming pools now, to minimize the impact of these structures into the subsurface groundwater so you don't have any impact on this type of flow going toward the neighbors properties. Yes, there are some things that can be done to make accommodations, but that is not what the ordinance proposes. The ordinance proposes a separation from the seasonal groundwater. That is where the Board has a difficult decision. Is there enough information to feel comfortable that that separation is not required? Does the Board need more technical information? Is a hydraulic analysis to prove that the groundwater that is being displaced will not have an impact on the neighboring properties

and do the hydrostatic valves provide sufficient satisfactory pressure relief so the pool will not be displaced if there is an issue in the future. The Borough has seen groundwater elevations rise and have seen issues with groundwater that have not happened in the past and here it is seen with sump pump discharge. It is seen with basement discharge, so the Borough Council decided to implement this ordinance to provide another level of protection.

Janet Casini-Pepe, 731 Raymere Avenue stated that she does not understand the mechanics of where this groundwater goes to. If you are digging this pool what happens? Where is the water? Ms. Casini stated that her property has water and guesses everyone else does too. If you are putting this solid object into the ground what happens to the ground water?

Board Engineer/Planner Avakian stated that technically what happens is a house, a building, a structure a swimming pool, anything you build into the ground is taking up the volume of that soil area that water used to fill seasonally. The groundwater elevation rises and lowers seasonally. If a structure is put in, you do not have the ability of that water to rise back into that surface. Technically, although it might not be a lot, it may have an impact on the elevation of that groundwater and it might be displaced onto adjacent properties,

Ms. Casini-Pepe stated that the last time there was so much water, and she does not think it is a one off event.

Board Engineer/Planner Avakian stated that it is difficult to quantify. It is difficult to draw the line as to when you stop making improvements and when you allow improvements. Do you allow improvements with modification, with considerations to alleviation of potential problems? That is the decision.

Ms. Casini-Pepe noted that the applicants are aware of the displacement.

Board Engineer/Planner Avakian stated that what he has seen happen in the past and appreciates the fact that the groundwater is going to be considered after construction, but he has seen the worst cases happen during construction. After the construction is built you cannot tell if somebody had water in their basement previously and that they are getting more water because a pool is on the adjacent property, but they might be. You certainly can say that water is being displaced during construction if it is not managed properly during construction. That is why construction related discharge, called in the DEP process discharged to surface water, you are literally pumping out. If the construction is going to go as proposed and it is into the groundwater elevation and the groundwater happens to be high when you are building the pool, that water is going to fill the hole when you dig it. If the water fills the hole, what you want to do is put in well points to pump the water out to keep the construction site dry. That pumped water must go somewhere. If it discharges into the Borough storm drain system, there has to be methodology in place to clean that runoff so that no sediment gets into the drainage system. It is going to

Deal Lake, so you have to have testing to that runoff to make sure that it has no contaminants in it. The Borough also does not want to have damage to the storm drain system. There are a lot of things involved in that type of discharge. The Borough has seen contractors frequently ignoring DEP regulations because it is not a permit that you secure. It is a permit where DEP is notified that the project is being done, and they can come out and inspect. There are regulations controlling it.

Ms. Heinz stated that residents seem to be able to put in hot tubs no matter how big they are. You cannot put in above ground pools, but you can put in hot tubs that are very large now. Is there something the Board can work on to actually raise the elevation of the pool so they are not going as deep, and can they go for a variance to go a little bit higher on the edge so then it is done tastefully around.

Board Engineer/Planner Avakian stated that this is probably the perfect pool to look at, because the elevation surrounding the pool is 22 feet on the DeStefano property. The elevation on the adjacent property to the south is also elevation 22 feet. The neighboring property and this property elevation are similar on either side of the property line, so if you raise the pool up more than 12 inches, which is allowed by ordinance, you are now going to be discharging a little more water or a velocity a little higher toward the adjacent properties. You might run into some problems because you are going to create a bit of a slope between that one-foot additional elevation or more than one foot elevation toward the adjacent properties. The Borough has had this on several properties in the Borough. Unfortunately, the Borough was called in after the fact to try to remediate it, which is not fun because one or more than one of the property owners are getting issues.

Ms. Heinz asked what the Board can do with hot tubs.

Board Engineer/Planner stated that he has been asked, due to the Planning Board's interaction with the Borough Council to look into an ordinance governing hot tubs. Currently there are no strict regulations governing a hot tub like there are for swimming pools.

Joyce Barrett, 21 Rona Street, questioned the depth of the deep end of the pool. If it were shallower, it would not be in the groundwater. If it was a five-foot-deep end out of the groundwater, the DeStefanos could have their pool and the neighbors would not have the water problem.

Board Engineer/Planner Avakian stated that the elevation difference is 2.25 feet so the six-foot depth was reduced to 4 feet you would have a 1.75-foot separation instead of 2 foot. It would be closer. The shallower the pool the closer it is to conformance. The desire of the applicant is to make it six feet, that is why they are here tonight.

Mr. DeStefano stated that the two-foot separation is really causing the issue because that is two feet above the seasonal high-water table not the always high-water table. So those two feet never have water, so going into that, in his opinion, would not be an issue. The DeStefanos are going three inches into the seasonal high water at the deep end. Three inches would be calculated out to be one third of an ounce of water per square foot.

Board Engineer/Planner Avakian stated that the measurements are based on the hydraulic evaluation done at that one specific time which changes seasonally which is why it is called what it is called because it could be higher, or it could be lower.

Mr. DeStefano agreed. Board Engineer/Planner Avakian actually said it at one of these meetings that in your experience it is the surface water that is mainly the issues and not the ground water that was at 31 Rona Street. Mr. DeStefano stated that he did not know if that application could be referred to.

Board Engineer/Planner Avakian said that just so the Board understands the 31 Rona Street application, the pool was reduced considerably from the original size. The depth was reduced from the original size and the applicant provided significant enhancements to the adjacent properties during construction, but it really does not come into play because the Board does not evaluate that against this application. The board evaluates each application individually.

Ms. Kane asked if there was a test that could be done that could accurately predict what the water issue could potentially be.

Board Engineer/Planner Avakian stated that there is a test that could be done that is called a mounding analysis, where they literally evaluate the impact of the improvement on the groundwater and how much groundwater displacement can be anticipated. It is typically not done for swimming pools. The test is typically done for construction where you are creating a volume of soil and elevation higher, and you are pushing down on the water and displacing it toward an adjacent property. The test can also be done for detention basins. It is a difficult thing. Board Engineer/Planner Avakian stated that this is a cause for the Planning Board to open a discussion about this and maybe have it with the Council to evaluate and make a determination as to how strict the Board wants to be with this. One of the things the Board sees, and the Council sees is swimming pools having an impact on neighboring properties to people with swimming pools that were not there before the pools were installed. That is the rationale behind what Council did by enacting the ordinance. Before the ordinance, there were a number of properties that the Borough had been asked to go out and inspect.

Mr. DeStefano stated that there are roughly 100 pools within the whole town.

Ms. Kane stated that not all properties with pools have these issues. The groundwater is different on every property. If Ms. Kane wanted a six-foot pool and the groundwater is low enough a pool can be installed with no issue. That is why the ordinance was put in place.

Mr. DeStefano stated that during the renovation a 10 foot basement was installed and there was no issue. No variance was needed for the basement. Mr. DeStefano said he does not know why there would be an issue with a swimming pool and not with a basement.

Board Engineer/Planner Avakian stated that a basement is governed by the Construction Official and the construction codes. Towns implement ordinances where they do not go into the groundwater elevation because it does displace water toward the neighbors properties.

Vice Chairwoman Umfrid stated that in Board Engineer/Planner Avakian's report it was noted that the applicant should submit an up-to-date survey showing the hot tub. Has that been taken care of.

Board Engineer/Avakian said he did not think so.

Mr. DeStefano stated that the survey was done prior to the entire plan for the hot tub. The entire plan included the hot tub, grilling station, and pool. You will not see those on the survey.

Ms. DeStefano stated that the items will be part of the "As Built" survey when the project is completed.

Mr. DeStefano stated that the zoning approval was done for all those components, just not the pool depth and grading, so that is why everything was already approved in terms of setbacks and area. There are no other obstacles in the way for anything needing a variance, except for the groundwater separation. That is why it is not on the plans.

Board Engineer/Planner Avakian stated that the note is in the report because the ordinance requires that the survey be up to date, and the Planning Board is being notified that it is not. The hot tub should be shown on the survey.

Vice Chairwoman Umfrid requested more information from the applicant about the installation of lights referencing Ordinance 13-3.5, Swimming pools may be constructed with underwater lights and exterior lights or both provided that all exterior lights are located so that the light is directed or shaded in such a manner that no direct rays of light fall more than three feet upon any adjacent lots and such light is neither directed nor reflected in such a way as to cause a nuisance or annoyance to neighboring properties. The applicant is going to install lights can you give more information about it.

Mr. DeStefano stated that there are four underwater lights in the pool as seen in the plans. The lights will be shaded and directed down in the pool. That is really the extent of the lighting.

Vice Chairwoman Umfrid asked about exterior lights.

Mr. DeStefano stated that there would be no lights that are not already there now.

Vice Chairwoman Umfrid asked if the current lights go beyond the property line.

Mr. DeStefano stated that he did not believe so. The lights could be directed, as well and turned down.

Vice Chairwoman Umfrid referenced Ordinance 13-3.7 when asking if a sound amplifying system was proposed.

Mr. DeStefano responded. "Just nature."

Board Engineer/Planner Avakian noted that an issue the Borough has is with the discharge of surface water or backwash on the swimming pools. The applicant is proposing cartridge filters both for the hot tub and the pool so there is no off-site discharge of pool water proposed.

Vice Chairwoman Umfrid questioned the landscape plan on the side adjacent to lot 1.02. Board Engineer/Planner Avakian has proposed in the report that the landscape buffer to the neighbor be extended.

Mr. DeStefano stated that there would be no issue with that and noted that there is already an accessory building and a shed, so the extension of the landscape there will actually benefit the view for the DeStefanos. There are 12 Skip Laurels trees being planted along that property line that grow to about 10 feet. Then on the other property line will be five Nelly Stevens that grow to about 20 feet.

Board Engineer/Planner Avakian stated the report suggests the extension along the south line be extended.

Mr. DeStefano stated that there is a shed, a carport and a long accessory building and the DeStefanos would be shielding themselves from all of that.

Vice Chairwoman Umfrid opened the floor for Board questions. No questions were asked.

Vice Chairwoman Umfrid opened the floor for public questions. No questions were asked.

UPON MOTION of Mr. Weaver seconded by Ms. Dalton carried, the Board closed the floor to questions from the public.

ROLL CALL:

In Favor: Vice Chairwoman Umfrid, Mr. Blasucci, Ms. Dalton, Mr. Wasilishen, Mr. Weaver, Ms. Kane and Ms. Heinz

Opposed: None

Ineligible: None

Abstain: Mr. Tilton, Ms. Kapp

Absent: Chairman Papp

Vice Chairwoman Umfrid opened the floor for public statements.

Joyce Barrett, 21 Rona Street, was sworn in by Board Attorney Kennedy.

Ms. Barrett stated that she is terribly concerned about the water situation. We all know the sump pumps run constantly. Even how much runoff there will be frightens Ms. Barrett. With the way our weather is changing, things are just going to get worse instead of better.

Vice Chairwoman Umfrid asked the public if there were any further statements. There were none.

UPON MOTION of Ms. Heinz seconded by Mr. Weaver carried, the Board closed the floor for statements from the public.

ROLL CALL:

In Favor: Vice Chairwoman Umfrid, Mr. Blasucci, Ms. Dalton, Mr. Wasilishen, Mr. Weaver, Ms. Kane and Ms. Heinz

Opposed: None

Ineligible: None

Abstain: Mr. Tilton, Ms. Kapp

Absent: Chairman Papp

Board Attorney Kennedy summarized the testimony. The Board talks about variances as a C or D variance. For a C1 variance the argument is that a variance is needed for relief because there is some sort of hardship, for instance the land size or shape of the property or the topography is causing some type of hardship as to why the applicant cannot comply. Then the C2 standard sometimes are referred to as the flexible standard that says that, even if there is not a hardship, the applicant argues that the benefits associated with the approval of the application outweigh the detriments. The other thing that is akin to every application the Board deals with is whether the applicant has that relief can be given without causing substantial detriment to the public good. That is generally the analysis and the Board does this for every single application. Some of the things the Board would think about would be: Why do they need the deviation?, Why can't they comply or why can't they more closely comply?, What is it going to look, like aesthetics are always important?, What are the setbacks? Are there going to be any noise issues? Board Attorney Kennedy stated that Board Engineer/Planner Avakian talked about impact on neighbors. Obviously, water runoff is a concern these days. One of the other things Board Attorney Kennedy respectfully submits is that in some point in the Board's analysis is whether there are conditions that could be discussed that might mitigate any potential adverse impact. Board Attorney Kennedy stated that Board Engineer/Planner Avakian made reference to the applicant submitting additional information. Does the Board need more professional testimony and more details. Does the Board need a professional report? Board Attorney Kennedy stated that those are all of the things that he has taken the liberty to write down and defers to the Board. Board Attorney Kennedy addressed the Board. In terms of Board comments, are people thinking to approve this application or to approve the application with conditions, a denial or does the Board need more testimony before the application can be considered?

Vice Chairwoman Umfrid asked the Board if there were any more questions before the Board could move forward. Would anyone put together a motion that could be entertained as a Board and take a vote either in the affirmative or negative on this project?

Mr. Weaver requested that the Board hold a discussion on the merits. Mr. Weaver stated that he does not see any substantial detriment. The land is going to change one way or the other. It gets better sometimes. It gets worse sometimes. The Board has no way of telling. Mr. Weaver lives next to a pool for 45 years and it was built above the one-foot level. Mr. Weaver sees problems from time to time with the water migrating to the property line that separates the two properties. Mr. Weaver has been able to live with it and has two sump pumps going.

Councilman Blasucci questioned what the reasoning behind the ordinance for the two-foot separation from the seasonal high was.

Board Engineer/Planner Avakian stated that he believed that the number was arrived at because it is similar to the Uniform Construction Code requirement for basement elevation in home construction. That was what is required. Board Engineer/Planner Avakian does not know if it is still required. Board Engineer/Planner Avakian was told by someone that the requirement may have been relaxed slightly.

Councilman Blasucci asked if it was the UCC that may have relaxed the requirement.

Board Engineer/Planner Avakian stated that the UCC may have relaxed the requirement, but the Borough has not. The requirement is also in place for DEP compliance with stormwater retention basins. That is a little different because there is water in the retention basin and that water is percolating into the ground and you want that physical separation.

Councilman Blasucci questioned the method and the timing of how the high-water mark is determined.

Board Engineer/Planner Avakian stated that when you take the soil boring and read the report it is very technical. The report talks about: the modeling of the soil, where you see evidence of water higher and that is identified and where the water is encountered in the hole. It changes seasonally. In the Borough ordinance it does not allow the samples to be taken during specific times of the year when it would not be as severe. The samples should be taken when it is more severe so you know the circumstances. This ordinance is not meant to be a negative type of ordinance. It is meant to be a practical ordinance, where it gives guidance to the person putting the pool. The applicant has taken that guidance and used it for a variety of proposed improvements, and it also protects adjacent properties if it is managed properly.

Councilman Blasucci questioned if the math of the displacement calculations were reviewed.

Board Engineer/Planner Avakian stated that he had not reviewed the calculations but does understand what was stated. That is only at a point in time, so the pool depth at four feet is not into the groundwater. The calculation was only that point where the deepest part of the pool is more than two feet. That is not the ordinance. That calculation has nothing to do with the Borough ordinance. That calculation was stated by the applicant that if I go down to the six-foot depth of the pool I am .25ft into the seasonal groundwater table, so this volume of water will be displaced, which is minimal. It is minimal but it does not comply with the ordinance which is why it was identified.

Ms. Dalton questioned what recourse the neighbors have if this affects them.

Board Engineer/Planner Avakian stated that Board Engineer/Planner Avakian thinks there is a differential between during construction and after construction. After construction it is very difficult to quantify. When Board Engineer/Planner Avakian lived in Allenhurst, Board Engineer/Planner Avakian had a neighbor putting a pool in and Board Engineer/Planner Avakian went to go to get in his car in the morning and the neighbor was putting a hydraulic pump through his hedges to discharge the water into Board Engineer/Planner Avakian's driveway and Board Engineer/Planner Avakian said, "Stop. Please". Obviously, that is not going to happen here because the applicants have considered that and have talked about well points and have talked about all of the key issues. Board Engineer/Planner Avakian's concern is during construction. Board Engineer Planner/Avakian stated that he is with the Deal Lake Commission and the Commission is constantly getting concerns and implementing improvements to try to control surface water and to control that surface water elevation, so it does not impact adjacent properties. Here the Board is talking about trying to do something to try and control groundwater.

Ms. Heinz stated that she has a concern that this time there are adjacent neighbors that have huge concerns and wants that to be taken under consideration.

Ms. Kane stated that is why she was asking if something could be requested, that is a little more in depth to try to figure out what that displacement would be.

Vice Chairwoman Umfrid called for a motion to include the recommendations.

Board Attorney Kennedy assume for the purposes of the discussion with no bearing on the application, assume that the application would be approved, some of the conditions the Board usually talks about would be: compliance of all the promises, commitments and representations that the applicants made during the hearing tonight, compliance with the Leon S. Avakian review memorandum, grading and drainage details to be reviewed and approved by Board Engineer/Planner Avakian's office. Obviously the applicant would have to obtain any an all outside approvals. The Boar always has a caveat that, as a result of getting those outside approvals the plans materially change the applicant would have to come back to the Board for further amended relief. The Board usually has a twelve-month timeframe from adoption of resolution for the permits to be issued. The Board talks about drywells, pool fencing and compliance with Borough standards and standard UCC requirements, French drain details to be reviewed and approved by Board Engineer/Planner Avakian's office and must be installed an maintained in accordance with manufacturing guidelines and other best practices.

Board Attorney Kennedy asked Board Engineer Planner/Avakian if the elevation datum on the plans needs to be clarified.

Board Engineer/Planner Avakian stated that he did not see the reference but would evaluate that and speak to the applicant's surveyor if needed.

Board Attorney Kennedy stated that the datum would be reviewed by Board Engineer/Planner Avakian's office and rested whether the French drains also needed some detail added to the plans.

Board Engineer/Planner Avakian stated that there is a request that the French drains have some sort of connection to the street or to the municipal drains for overage discharge.

Board Attorney Kennedy asked about the requirement of installation of well points.

Board Engineer/Planner Avakian stated that the well point requirement will be part of the construction permit approval process.

Board Attorney Kennedy asked Board Engineer/Planner Avakian about the requirement for DEP permits and the dewatering process during construction.

Board Engineer/Planner Avakian stated that the dewatering process would be part of the construction permit and well points.

Board Attorney Kennedy asked Planning Board Secretary Kneser to make note that the Board will have an annual review and that is the time the Board will communicate their needs to Council. Other towns sometimes make a list. The Board has such a great relationship with Council where the Board does not always have to wait for an annual review. The Board can have discussion with the Borough Council as to this ordinance. Is it good? Is the Board comfortable? Does the Board need to be more or less strict? Does the ordinance need to be reviewed? Maybe add additional requirements to gather additional information with tests to determine potential impact on adjacent properties described by Board Engineer/Planner Avakian.

Board Attorney Kennedy asked Board Engineer/Planner if there was a need for the survey to show the hot tub.

Board Engineer/Planner Avakian stated that the the plans show it, so a survey is not necessary.

Board Attorney Kennedy stated that there will be no light spill over and lighting will comply with Board Engineer/Planner Avakian's memo and ordinance requirements in that regard. Existing lights are to be directed downward if necessary. Plans are that there will be no discharge offsite and the use of cartridge filters are

approved. The landscaping plans will be revised to show the extension of the proposed landscaping line adjacent to 1.02 and the details of which will be reviewed and approved by Board Engineer/Planner Avakian which typically, if it is the pleasure of the Board and have the requirement that the proposed landscaping will be perpetually maintained and replaced as necessary.

Vice Chairwoman Umfrid stated that this is the content of the motion that the Board will either approve or disapprove.

UPON MOTION of Ms. Kane to approve the application subject to the outlined conditions, seconded by Mr. Weaver, carried, the Board approved the application with the following vote:

ROLL CALL:

In Favor: Mr. Blasucci, Ms. Dalton, Mr. Wasilishen and Mr. Weaver

Opposed: Vice Chairwoman Umfrid, Ms. Kane and Ms. Heinz

Ineligible: None

Abstain: Mr. Tilton, Ms. Kapp

Absent: Chairman Papp

Board Attorney Kennedy stated that the application was approved in accordance with the outlined conditions.

Vice Chairwoman Umfrid advised the applicant that the resolution would be adopted at the next meeting.

Board Attorney Kennedy told the DeStefanos that there will be a resolution adopted at the next meeting and that there is also an appeal period associated with the application of 45 days.

Mr. DeStefano confirmed his understanding that there would be a resolution and that there would be a 45 day appeal period and stated that it is a lot to digest.

The applicants left the meeting.

Mr. Tilton and Ms. Kapp rejoined the meeting.

Board Secretary Kneser stated that the next meeting date is June 26, 2023.

UPON MOTION of Mr. Weaver, seconded by Mr. Wasilishen, carried, the Board adjourned the meeting.

ROLL CALL:

In Favor: Vice Chairwoman Umfrid, Councilman Blasucci, Ms. Dalton, Mr. Tilton, Mr. Wasilishen, Mr. Weaver, Ms. Kapp, Ms. Kane, and Ms. Heinz

Opposed: None

Ineligible: None

Abstain: None

Absent: Chairman Papp

Approved: \_\_\_\_\_  
Vice Chairwoman, Kathy Umfrid

Attest: \_\_\_\_\_  
Gina Kneser, Secretary