**BOROUGH OF INTERLAKEN**

**MINUTES- PLANNING BOARD**

**OCTOBER 17, 2022 7:30 P.M.**

**BOROUGH HALL, 100 GRASSMERE AVENUE**

 A meeting of the PLANNING BOARD of the Borough of Interlaken, Monmouth County, New Jersey was held on October 17, 2022, at 7:30 p.m. in the Borough Hall.

 Chairman Papp 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.

ROLL CALL:

Present: Chairman Papp, Mr. Tilton, Ms. Dalton, Mr. Wasilishen, Ms. Heinz, Mr. Weaver, Mr. Blasucci, and Ms. Kapp

Also Present: Planning Board Attorney Sanford Brown, Board Engineer/Planner Avakian and Planning Board Secretary Gina Kneser

Absent: Councilman Butler, Vice Chairwoman Umfrid, and Ms. Kane

UPON MOTION of Mr. Weaver, seconded by Ms. Dalton carried, the Board approved the minutes of the July 18, 2022, meeting.

ROLL CALL:

In Favor: Chairman Papp, Mr. Tilton, Ms. Dalton, Mr. Wasilishen, Mr. Weaver, Mr. Blasucci and Ms. Kapp

Opposed: None

Ineligible: Ms. Heinz

Abstain: None

Absent: Councilman Butler, Vice Chairwoman Umfrid and Ms. Kane

Application

315 Grassmere Avenue

Inground Pool

Chairman Papp announced that the application for the inground swimming pool at 315 Grassmere Avenue has withdrawn. The applicant made modification to the pool plan. Variances are no longer required.

Board Engineer Avakian noted that without speaking on any particular application, when the Borough gets a Zoning application for a swimming pool, it is viewed by the Zoning Officer. The application is then sent to the Board Engineer’s office to confirm or affirm the Zoning Officer’s determination. Sometimes the Engineer’s office agrees on everything. Sometimes the Engineer’s office does not agree on everything. The application goes to the Planning Board if there are variances. If those variances are removed from that Zoning permit application, then the application does not come before the Planning Board. It is not frequent that an application comes before the Planning Board and is then revised and goes away. When that happens, the detrimental part is that it raises the anxiety of our residents and our neighbors. If residents are not necessarily in favor of the application, residents and neighbors come out to the meeting. These residents must be told that the application now complies. Board Engineer Avakian stated that when there are instances such as this, the Borough is asked to keep a presence on site during the construction to ensure that the project gets constructed the way it is represented.

There was some discussion by the Board regarding the right of residents to see the application plans and construction permits.

Board Attorney Brown stated that if a permit is issued and it is incorrect, or a resident thinks its incorrect, the resident can file an appeal.

The Board discussed the Borough’s review of impervious surface calculations.

Board Engineer Avakian stated that there is an engineer in his office that reviews all the applications before the Board and then Board Engineer Avakian verifies that engineer’s determination. It is really three people who look at the calculations, the applicant, the engineer and Board Engineer Avakian.

The Board had a brief discussion regarding the requirements of “As Built” surveys.

The Board had a brief discussion regarding reviewing swimming pool applications, including requirements for engineering reviews, site plan approval, and construction requirements.

Chairman Papp stated that he would talk to the Mayor regarding pool reviews.

Board Engineer Avakian stated that he would like there to be an engineer review of all swimming pool applications. After the Zoning Officer confirms compliance and a permit is granted, the Engineers office should check grading and drainage to make sure that the pool is not elevated and draining onto the neighbor’s property causing more problems. To prevent the Borough having to go out to resolve the issue during or after construction.

Board Engineer Avakian lead the Board through a Master Plan Consistency Review of Ordinance 2022-6 An Ordinance of the Borough of Interlaken Amending and Supplementing Chapter XXVI “Land Use and Development” to provide for a definition and regulations regarding cabanas.

**BOROUGH OF INTERLAKEN**

**ORDINANCE NO. 2022-6**

**AN ORDINANCE OF THE BOROUGH OF INTERLAKEN AMENDING AND SUPPLEMENTING CHAPTER XXVI “LAND USE AND DEVELOPMENT” TO PROVIDE FOR A DEFINITION AND REGULATIONS REGARDING CABANAS.**

 WHEREAS, the Borough of Interlaken Land Use Ordinances do not currently provide for a definition and regulations regarding cabanas; and

 WHEREAS, the Borough wishes to provide guidance and regulations as to what is permitted in regard to cabanas.

 NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Interlaken, in the County of Monmouth, State of New Jersey, as follows:

 **SECTION ONE.** Article I “General Provisions and Definitions” in Chapter 26 “Land Use and Development”, Section 26-4, is amended and supplemented to add the following:

 **CABANA**

A one-story ground level detached accessory structure with a closed roof permitted to serve a lawfully existing and approved inground swimming pool on a residential property to be used for recreational or storage purposes associated with the residential use of the property. Only one cabana is permitted per residential property.

In addition:

A. A cabana shall be limited to a maximum size of 200 square feet in size.

B. A pool cabana must be seasonal (closed for at least 90 days) and is not permitted to have heating equipment, contain a full-service kitchen (preparing and serving meals), or be designed for cooking or sleeping.

C. A deed restriction shall be filed with the Monmouth County Clerk’s office stating that the grantor and grantee specifically represent that the cabana use will not contain heating equipment, bedroom and/or living quarters, full-service kitchen , or be designed for cooking or sleeping. This deed restriction is intended to prohibit conversion to a habitable space.

D. Cabanas shall meet the accessory setback requirements for the zone related to the location in the yard, lot coverage, height and setback.

E. An adjacent landscaped area shall be provided as a buffer to any existing adjacent residential property.

**SECTION TWO.** Article II “Establishment of Zones” in Chapter 26 “Land Use and Development”, Section 26-33, is amended and supplemented as follows (New additions in underline):

a. In the R-A Single Family Residential Zone, no premises shall be used and no structure shall be erected, altered, or occupied for any purpose except the following:

1. Single family dwellings;

2. Public parks and playgrounds; and

3. Municipal buildings, facilities and services essential to the operation of and solely intended for the needs of the Borough of Interlaken provided same are subject to the general review and recommendation of the Planning Board.

4. Family day care home.

b. Permitted Accessory Uses.

1. Private garage or carport for not more than three automobiles;

2. Private swimming pools;

3. Tool shed or similar storage building or domestic animal or pet housing not exceeding 120 square feet;

4. Outdoor barbecue structure;

5. Fences as regulated by ordinance;

6. Home occupation;

7. Other customary accessory uses and structures which are clearly incidental to the principal structure and use, such as but not limited to flag poles, swing sets, and ground mounted basketball nets.

8. Cabanas for use around swimming pools, are specifically permitted as accessory uses or structures.

c. Area, Yard and Building Requirements. As specified in the Schedule of Area, Yard and Building Requirements. (The Schedule of Area, Yard and Building Requirements is attached to this chapter as Exhibit A.)

**SECTION THREE.** All other sections and subsections of the Borough Code will remain unaltered.

**SECTION FOUR**. If any section, subsection, paragraph, sentence or other portion

of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

**SECTION FIVE**. All ordinances or parts thereof inconsistent with the provisions

of this Ordinance are hereby replaced to the extent of such inconsistencies.

**SECTION SIX**. This Ordinance shall take effect immediately upon its final passage and publication according to law.

Board Engineer Avakian stated that Borough Council has asked the Board to make a consistency review. Board Engineer Avakian has reviewed the Master Plan. This ordinance is compliant with the Master Plan.

The Board had some discussion regarding a clerical inconsistency in the ordinance. There is an instance where the ordinances states pool cabana. No place else in the ordinance refers to the structure as a pool cabana, only a cabana. The Board would like to be consistent in this reference.

Board Engineer Avakian stated that he would discuss the inconsistency with the Borough prior to the adoption.

UPON MOTION of Ms. Kapp, seconded by Mr. Blasucci carried, the Board deemed Ordinance 2022-6 consistant to the Master Plan.

ROLL CALL:

In Favor: Chairman Papp, Mr. Tilton, Ms. Dalton, Ms. Heinz, Mr. Weaver, Mr. Blasucci and Ms. Kapp

Opposed: None

Ineligible: None

Abstain: None

Absent: Councilman Butler, Vice Chairwoman Umfrid, Mr. Wasilishen, and Ms. Kane

Board Engineer Avakian lead the Board through a Master Plan Consistency Review of Ordinance 2022-7 An Ordinance of the Borough of Interlaken Amending and Supplementing Chapter XXVI “Land Use and Development” to provide regulations regarding Accessory Structures.

**BOROUGH OF INTERLAKEN**

**ORDINANCE NO. 2022-7**

**AN ORDINANCE OF THE BOROUGH OF INTERLAKEN AMENDING AND SUPPLEMENTING CHAPTER XXVI “LAND USE AND DEVELOPMENT” SECTION 26-24 “ACCESSORY STRUCTURES” TO PROVIDE REGULATIONS REGARDING ACCESSORY STRUCTURES.**

 **BE IT ORDAINED**, by the Borough Council of the Borough of Interlaken, in the County of Monmouth, State of New Jersey, as follows:

 **SECTION ONE**. Article III “General Regulations and Provisions” in Chapter 26 “Land Use and Development”, Section 26-24 is amended and supplemented as follows (additions shown in underline):

 **26-24 ACCESSORY STRUCTURES**

No accessory structure shall be erected prior to the completion of the principal building.

Accessory structures shall be permitted in rear and side yard areas only, behind the front line of the principal dwelling except for flag poles which shall be allowed in front yards.

Side and rear yard setbacks and building height shall comply with regulations contained in the Schedule of Area, Yard and Building Requirements for accessory uses.

**SECTION TWO**. All other sections and subsections of the Borough Code will remain unaltered.

**SECTION THREE**. If any section, subsection, paragraph, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

**SECTION FOUR**. All ordinances or parts thereof inconsistent with the provisions

of this Ordinance are hereby replaced to the extent of such inconsistencies.

**SECTION FIVE**. This Ordinance shall take effect immediately upon its final passage and publication according to law.

Board Engineer Avakian stated that the Board has had a number of applications requesting accessory structures in the front yard due to several factors including property configuration.

Board Engineer Avakian thought that an ordinance should clarify the acceptable location of these structures. The ordinance will now clarify that accessory structures shall only be permitted in the rear except for flagpoles. Then accessory structures should be compliant to bulk requirements. This will clarify what is permissible to make easier for applicants and for the Board.

Board Engineer Avakian already addressed accessory specific setbacks in the last Master Plan reexamination which makes it easier to determine consistency of this ordinance with the Master Plan.

UPON MOTION of Mr. Weaver, seconded by Ms. Dalton carried, the Board deemed Ordinance 2022-6 consistent to the Master Plan.

ROLL CALL:

In Favor: Chairman Papp, Mr. Tilton, Ms. Dalton, Ms. Heinz, Mr. Weaver, Mr. Blasucci and Ms. Kapp

Opposed: None

Ineligible: None

Abstain: None

Absent: Councilman Butler, Vice Chairwoman Umfrid, Mr. Wasilishen, and Ms. Kane

The Board had a brief discussion regarding an application for a utility pole expected to be on the meeting agenda.

Board Attorney Brown noted that the hearing could not commence for an application by JCP&L for a utility pole due to a defect in notice. The applicant did not abide by the statute that adjacent municipalies be noticed. The applicant will notice for the next meeting.

The Board discussed the Land Use recommendations that were forwarded to Council.

Board Engineer/Planner Avakian noted that Council was not in favor of imposing a floor area ratio.

The Board determined that Chairman Papp would engage Council for an update on the Land Use changes recommended by the Planning Board.

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

In Favor: Chairman Papp, Mr. Tilton, Ms. Dalton, Ms. Heinz, Mr. Weaver, Mr. Blasucci and Ms. Kapp

Opposed: None

Ineligible: None

Abstain: None

Absent: Councilman Butler, Vice Chairwoman Umfrid, Mr. Wasilishen, and Ms. Kane

 Approved: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Mr. Papp, Chairman

Attest:

 Gina Kneser, Secretary