

**BOROUGH OF INTERLAKEN
MINUTES- PLANNING BOARD
APRIL 21, 2014, 7:30 P.M.
BOROUGH HALL, 100 GRASMERE AVE**

A meeting of the PLANNING BOARD of the Borough of Interlaken, Monmouth County, New Jersey was held on April 21, 2014 at 7:30 p.m. in the Borough Hall.

Chairman Gunn, opened the meeting, announced that the meeting was being held in accordance to the Open Public Meetings Act and that Notice of the Meeting had been published in the Coaster and was followed by The Pledge of Allegiance and a moment of silence to mark the one year anniversary of the Boston Marathon bombing attack.

ROLL CALL:

Present: Chairman Gunn, Ms. Dalton, Mr. Franks, Mr. Menditto, Councilman Miller, Mr. Papp, Mr. Tilton, Ms. Umfrid, Mr. Wasilishen

Also Present: Board Attorney Sanford Brown, Planning Board Secretary Gina Kneser, and Board Contracted Planners James W. Higgins and Alison Coffin.

UPON MOTION of Councilman Miller, seconded by Mr. Wasilishen, carried, the Board approved the minutes of March 17, 2014 meeting.

PAPP APPLICATION

Thomas & Christine Papp, 37 Rona Street, submitted an application before the Board requesting variances to permit replacement of the existing detached garage with a new detached garage, proposed generator and enlargement of the driveway.

At this time, Board Member Mr. Papp, property owner, recused himself. Board member Mr. Wasilishen, property owner within 200ft of the applicant and Board member Mr. Tilton, personal lawyer to the Papp family, also recused himself. All three removed themselves from the table.

Board Attorney Brown deemed the application complete and that proper notification had been given by applicants.

Architect Donald J. Passman presented exhibits to Board Attorney Brown.

Board Attorney Brown labeled all exhibits and reviewed a report from Board Engineer Avakian.

Ms. Christine Papp was sworn in and gave testimony in regards to the project at her home. Ms. Papp stated that she has been a resident of Interlaken since 2005 and her reasons for the garage changes were to increase the size of the garage to accommodate today's size vehicles and to have more storage space.

Chairman Gunn opened the floor for Board members to question Ms. Papp.

Ms. Umfrid questioned Ms. Papp regarding the uses for the space above the garage and whether there was any plumbing being installed.

Mr. Pressman, Ms. Papp's architect, stated that there will be no plumbing installed.

Mr. Umfrid questioned Ms. Papp, asking if she would be opposed to a deed restriction stating that the space above the garage would never be used as living space. The next owner cannot use it for anything other than storage space.

At this time, Donald J. Passman was sworn in and presented his credentials, as a licensed architect in the state of New Jersey, and stated that he has experience in testifying before Planning Boards. Hearing no questions from Board members, Chairman Gunn accepted Mr. Passman's credentials.

Mr. Passman presented testimony in regards to the variance application.

Borough Attorney Brown, the Board, Mr. Passman and Ms. Papp discussed a deed restriction and the Borough ordinances regarding permitted uses for garage space.

Ms. MaryJo Rogers, 35 Rona Street, stated that the Papp's are wonderful neighbors and posed questions regarding the placement of the garage. Ms. Rogers questioned the increase in the driveway area to accommodate the larger garage.

Mr. Rogers Mr. Passman entered additional information into evidence amending the increased area of the driveway, stating that the increase would be only a one foot flared section to accommodate the larger doors of the garage.

Ms. Rogers stated that she was happy to see that the increase of the driveway was modified.

Ms. Papp stated that she does not want to infringe on Ms. Rogers summer porch enjoyment. Ms. Papp will postpone construction until the fall.

Ms. Rogers was comfortable with the agreement by Ms. Papp to delay the project until fall without the Board making it a stipulation of the resolution.

The Board discussed suggestions within Board Engineer Avakian's report as to the placement of the generator.

Chairman Gunn asked if there were any additional question from the public. There was no comment.

UPON MOTION of Councilman Miller, seconded by Ms. Dalton, the variance granting approval to construct a new 2-car detached garage to replace an existing 2-car detached garage, install a generator and enlarge the driveway; be granted with the stipulation that there be a deed change to restrict usage of the second floor of the garage to be used only for storage, seconded by Ms. Dalton, carried.

ROLL CALL: Ayes: Ms. Dalton, Mr. Franks, Mr. Menditto, Councilman Miller, Ms. Umfrid,
Chairman Gunn

Nays: none

Abstain: Mr. Papp, Mr. Tilton, Mr. Wasilishen

Mr. Papp, Mr. Wasilishen and Mr. Tilton returned to the table.

At this time, Ms. Allison Coffin and Mr. James Higgins of James W. Higgins Associates joined the table.

The Board had a brief discussion with Ms. Coffin and Mr. Higgins regarding the scope and terms of their contract.

Ms. Coffin and Mr. Higgins presented the Board with a preliminary report reviewing the current Borough ordinance.

The Board discussed and asked questions regarding various provisions of the ordinance and the suggested changes proposed by Ms. Coffin and Mr. Higgins.

The Board gave Ms. Coffin and Mr. Higgins direction regarding which provisions of the ordinance where the Board would like to focus their efforts, including the section regarding accessory uses.

It was decided that Ms. Coffin and Mr. Higgins would return to the Board for the June meeting to present the Board with a draft of the ordinance changes.

Mr. Gunn opened the floor for public comment.

Mr. Robert Napoli, 515 Windermere Avenue, questioned whether changing the height requirements in the ordinance would affect the property values of the pre-existing properties that exceed the height at the time of the change.

Mr. Higgins stated that the ordinance could be written to allow those properties to be grandfathered.

Mr. Napoli asked if current case law was being considered by the planners when reviewing the ordinance.

Mr. Higgins stated that case law was being considered to the extent that it can be.

Mr. Napoli also asked questions regarding fences.

Mr. Leidersdorff, 10 Bridlemere Avenue, questioned the Board regarding the installation of a permanent basketball hoop on his property, stating that he has noticed other residences have them. Mr. Leidersdorff stated that he made inquiry to the Zoning officer and was told that it is a non permitted accessory use. He would have to go for a variance to install it. After review the costs of a variance application, Mr. Leidersdorff asked, if there was a less expensive and less time consuming way to approach the request.

Mr. Higgins stated that 'accessory uses' was one of the provisions in the ordinance that the Borough was reviewing and may be changed in the future.

Mr. Gunn asked Board Attorney Brown for his opinion regarding the role of the Planning Board in reference to a resident request of this type.

Board Attorney Brown stated that there is a process involved. It is proper to bring up the subject to discuss what the Board may consider in the future, but the issue cannot be addressed without the procedure of an application or a decision by the Zoning Officer. By law, it is the only way that the Board is permitted to consider a request. An appeal of the Zoning Officer decision can be made or an application for a variance must be submitted.

Mr. Napoli posed questions about the accessory use provisions in ordinance.

Mr. Leidersdorff commented that a tennis court is permitted and that requires two posts.

Board Attorney Brown stated there was a recent case before the Board that challenged the ordinance pertaining to accessory uses. Board Attorney Brown stated that the Board determined that the ordinance pertaining to accessory uses requires a fact sensitive analysis, even the Zoning Officer should not make discretionary decisions pertaining to accessory uses.

The Board discussed the current accessory use provisions of the ordinance and procedures regarding appeals and variances.

Chairman Gunn tabled the discussion regarding escrow fees to next month's meeting.

There being no other business, UPON MOTION of Councilman Miller, seconded by Mr. Wasilishen, carried, the meeting was adjourned.

Approved: _____
John Gunn, Chairman

Attest: _____
Gina Kneser, Secretary