

**BOROUGH OF INTERLAKEN
MINUTES- PLANNING BOARD
APRIL 17, 2017 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 March 20, 2017 at 7:30 p.m. in the Borough Hall.

Chairman Papp 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.

ROLL CALL:

Present: Chairman Papp, Vice Chairwoman Umfrid, Councilman Gunn, Ms. Dalton, Ms. Heinz, Mr. Menditto, Mr. Tilton and Mr. Wasilishen

Also Present: Planning Board Attorney Sanford Brown and Planning Board Secretary Gina Kneser

Absent: None

UPON MOTION of Mr. Wasilishen, seconded by Councilman Gunn, carried, the Board approved the minutes of March 20, 2017 meeting.

206 BENDERMERE AVENUE

Todd Walters, 206 Bendermere Avenue, Block 17/Lot 3, submitted an application before the Board requesting an approval from the Planning Board to construct a covered front porch.

The minimum front yard setback permitted per the zoned district is 35 feet. The existing front yard setback is 37.4 feet, which conforms. The proposed front yard setback to the covered porch is 28.4 feet. A variance is required.

The maximum building area coverage permitted per the zoned district is 25% of the lot area. The applicant is proposing a building coverage of 28%. A variance is required.

The maximum impervious surface area permitted per the zoned district is 45%. The applicant is proposing an impervious coverage of 46.4%. A variance is required.

Board Attorney Brown deemed the application complete and that proper notification had been given by applicants. The Board has jurisdiction to hear this application.

Board Attorney Brown labeled exhibits.

Board Attorney Brown noted that there is a preexisting non-conformity of the minimum lot area permitted per the zoned district is 12,000 square feet where the existing lot area is 9,064. There is a preexisting non-conformity for the garage. The minimum side and rear yard setback for the (accessory

structure) garage is 5 feet. The existing garage has a side yard setback of 3.0 feet and a rear yard setback of 5.1 feet.

Mr. Walters, applicant, Mr. Lawrence, applicant's architect and Mr. Parry, attorney for the applicant joined the table.

Mr. Walters and Mr. Parry were sworn in by Board Attorney Brown.

Mr. Walters stated that 206 Bendermere Avenue is a primary residence purchased February of 2016.

Mr. Walters stated that it is an older home that has not been updated. Mr. Walters would like to change the roof, siding and add a porch.

Mr. Walters stated that no trees would be removed. There are some bushes that will be removed.

Mr. Walters stated that he would agree that it be noted on the plot plans to replace the sidewalk, if it is found to be in poor condition.

Mr. Papp asked about the landscaping in front of the porch.

Mr. Walters stated that there will be landscaping in front, not necessarily in front of the porch. Mr. Walters referenced a previously submitted drawing of the house to demonstrate.

Mr. Paul Lawrence, 1600 Highway 71, Belmar, New Jersey, stated that he has been a professional architect in New Jersey for 25 years. He has testified before numerous planning boards but this is the first for Interlaken.

The Board accepted Mr. Lawrence's credentials.

Mr. Lawerance described the scope of the project for the Board. A small entrance porch would be removed and replace it with a full length porch on the oldest portion of the house to make it look less like a dutch colonial and more like a summer home with a wider front porch.

Mr. Papp asked questions regarding the elevation of the porch.

Mr. Lawerance stated that it is less than 3ft.

Ms. Dalton asked if the siding was being changed.

Mr. Tilton asked if a front railing was proposed.

Mr. Lawrence stated that the porch was low enough that it does not require a rail and it was desired to maximize the openness of it.

Mr. Walters stated that he did not desire a rail.

The Board had a brief discussion regarding the rail.

Mr. Papp asked what the decking and column material would be.

Mr. Walters stated that it would be Epay wood.

Councilman Gunn asked if questions regarding material mattered for this application.

Board Attorney Brown stated that there is a challenge for the Board. An applicant can go for a Hardship variance, but a Hardship variance does not make sense here, so the applicant would be applying for a Flexible C variance. To grant a Flexible C variance the applicant would have to prove the positive criteria so the purpose is accomplished by an aesthetics review. The benefits have to substantially outweigh the negatives. What a lot of applicants use for criteria is “to promote a desirable visual environment through creative development techniques”.

Councilman Gunn I would just point out that I was struck positively with the applicant’s comments saying that he would like to keep the porch in a specific zoning purpose of creating a desirable visual environment that will enable the applicant to make the house more attractive and more in keeping with the character of the area. If he painted it purple than that would be his business.

Board Attorney Brown stated that it depends on the Board. If the applicant wanted to put on a horrible color, and the Board feels that that is not a desirable visual environment, than that may be relevant.

Mr. Parry stated that the Land Use law presumes that each application should be evaluated on an individual basis.

Ms. Umfrid asked about the extension of the existing roof.

Mr. Lawrence stated that rather than try to tie the two roofs together they tried to strike a balance. It was also done that way because of the windows.

Ms. Umfrid how the ceiling of the porch will be finished.

Mr. Lawrence stated that a bead board vinyl would be suggested.

Ms. Umfrid asked, if ceiling lights would be added.

Mr. Walters stated that lights would be put on either side of the door.

Ms. Umfrid asked, if the windows in the living room and dining room areas are being changed.

Mr. Walters stated that they would not be replaced, at this time.

Ms. Heinz asked, if the siding around the chimney would be removed.

Mr. Walters stated that it would be sided with the same siding as the rest of the house.

Mr. Tilton questioned the configuration of the steps. Is there a change to the topography?

Mr. Walters stated that there would not be a change and that there are railings on the stairway to the driveway.

Board Attorney Brown questioned Mr. Lawrence’s credentials further and asked whether he was a licensed planner or a licensed surveyor.

Board Attorney Brown questioned Mr. Lawrence's qualifications to be able to insert the precise dimensions indicating where the edge of the covered porch will be in relation to the front.

Mr. Lawrence stated that he regularly does this for every project, but he always relies on the information provided by the homeowner from a survey.

Board Attorney Brown noted that survey, exhibit A-1, prepared by Charles Surmont.

Board Attorney Brown stated that what is normally expected is that the surveyor would certify that the project would be no closer than a certain amount. The architectural plan reflects this, but Mr. Surmonte did not project it on his plan.

Mr. Lawrence stated that Mr. Surmonte cannot put that in because the survey shows what is there now. The project is being proposed. It has not been built. An as built survey could be required to confirm the measurement.

Board Attorney Brown recommended to Chairman Papp that an "as built" survey be prepared to be reviewed by Board Engineer, Peter Avakian, to confirm the project is no closer than proposed be requested by the Board if it is inclined to pass the application.

Mr. Walters had no objection to the requirement of an "as built" survey being provided.

Chairman Papp agreed that the "as built" should be required.

Mr. Papp opened the floor for public comment.

With no public comment Ms. Umfrid made motion to close the floor, seconded by Ms. Dalton, carried.

ROLL CALL:

In Favor: Chairman Papp, Vice Chairwoman Umfrid, Councilman Gunn, Ms. Dalton, Ms. Heinz, Mr. Menditto, Mr. Tilton and Mr. Wasilishen

Opposed: None

Ineligible: None

Abstain: None

Absent: None

The applicant and representatives thanked the Board and left the table.

102 BUTTERMERE AVENUE

Mr. & Mrs. Dolan, 102 Buttermere Avenue, Block 19/Lot 5, submitted an application before the Board requesting an approval from the Planning Board to construct a one-story addition, patio and walkways.

The applicant is requesting approval from the Planning Board for a one-story addition to the west side and rear of the dwelling, with a new patio and walkways in the back yard.

The minimum front yard setback permitted per the zoned district is 50 feet except that no building shall be nearer to the street than the average alignment of existing buildings within 200 feet of each side of the lot and within the same block. The block has one additional house fronting on Buttermere Avenue and its setback is 35.09 feet as indicated on the architectural plans.

The average front yard setback on this block within 200 feet is 35.09 feet. The existing front yard setback is 24.9 feet. The Applicant is proposing a front yard setback of 26.15 feet, to the one story addition. A variance is required.

Mr. Kevin Dolan and Mrs. Dolan, applicants, and Mr. Ken Egel, applicant's contractor joined the table.

Mr. Tilton recused himself from the application and left the table.

Board Attorney Brown deemed the application complete and that proper notification had been given by applicants. The Board has jurisdiction to hear this application.

Board Attorney Brown labeled exhibits.

Mr. Dolan, Mrs. Dolan and Mr. Egel were sworn in by Board Attorney Brown.

Board Attorney Brown stated that normally only experts can really qualify certain documents. Normally architectural drawings can only be testified to by an architect.

Mr. Egel stated that he is a local builder and has a degree in architecture, but does not hold a license.

Borough Attorney Brown stated that he appreciated Mr. Egel's experience and to some extent the Board can consider the testimony with those additional qualifications.

Borough Attorney Brown noted that the minimum lot area permitted per the zoned district is 15,000 square feet. The existing lot area is 10,193 square feet, which represents an existing non-conformity.

Borough Attorney Brown noted the minimum lot depth permitted per the zoned district is 150 feet. The existing lot depth is 101.9 feet, which represents an existing non-conformity.

Borough Attorney Brown noted that the applicant should remove the existing driveway encroachment on the adjacent property (Lot 3.01 & 4.01) and noted a minimum setback of 5 feet is required for the driveway.

Borough Attorney Brown noted that the minimum side and rear yard setback for the garage (accessory structure) is 5 feet. The existing garage has a side yard setback of 1.2 feet and a rear yard setback of 2.6 feet. The side and rear yard setbacks represent existing non-conformities.

Mr. Dolan produced a photo which was marked into evidence as A-4.

Mr. Dolan stated that they always felt the appearance of the front of the house was always out of balance. The addition would balance out the house. It will provide more room for the grandchildren and make the house more esthetically pleasing from the street.

Mr. Dolan stated that the sunporch will be no closer to the road than the existing non-conforming sunporch on the other side of the house.

Ms. Umfrid stated the addition wraps around.

Mr. Dolan agreed, but the wrap around part is conforming.

Ms. Dalton asked, if any trees would be removed for the project.

Mr. Dolan said that one tree may have to be removed.

Board Attorney Brown suggested to the Board that an "as built" be requested.

Ms. Umfrid asked about the windows.

Mr. Dolan stated that the project includes a bedroom family room on the first floor to be accessible in case of decreased mobility due to the age of the applicants in the future.

Ms. Dalton asked, if the sunroom will be incorporated into the project.

Mr. Dolan said it would.

Ms. Umfrid asked what type of variance.

Board Attorney Brown stated that it is a front yard setback, there are other current existing non-conforming conditions.

Councilman Gunn stated that it is less non-conforming than the existing nonconformance.

Ms. Umfrid asked, if is this a Hardship variance.

Board Attorney Brown stated that he feels the Flexible C concept would apply.

Chairman Papp stated that the addition is aesthetically pleasing and it is not detrimental to the community.

Councilman Gunn stated that the project was in keeping with the character of the community especially in the area where that house sits.

Ms. Umfrid asked about the existing chain link fence.

Mr. Dolan stated that he had no intentions of moving the fence.

Ms. Umfrid asked, if the fence would have to be moved to build.

Mr. Dolan stated that it would not have to be moved.

Chairman Papp opened the floor for public comment. With no public comment Chairman Papp closed the floor.

Upon motion by Chairman Gunn the floor was closed, seconded by Ms. Umfrid, carried.

ROLL CALL:

In Favor: Chairman Papp, Vice Chairwoman Umfrid, Councilman Gunn, Ms. Dalton, Ms. Heinz, Mr. Menditto and Mr. Wasilishen

Opposed: None

Ineligible: None

Abstain: Mr. Tilton

Absent: None

Board Attorney Sanford noted that there were no negative criteria for this application.

Chairman Papp stated that the positive was satisfied.

Mr. Wasilishen made motion to grant the variance, seconded by Ms. Dalton, carried.

Mr. Tilton rejoined the table.

Board Attorney Brown stated that the resolution will include the condition that an “as built” and the conditions of the Borough’s engineer report for this application.

Ms. Umfrid asked about the status of requesting Township of Ocean Sewerage Authority to come to a Planning Board meeting

Mr. Papp stated that he received an update from Borough Clerk/Administratrator that the project will not move forward until the bridge project is complete.

UPON MOTION of Councilman Gunn, seconded by Mr. Menditto, carried, the meeting was adjourned.

ROLL CALL:

In Favor: Chairman Papp, Vice Chairwoman Umfrid, Councilman Gunn, Ms. Dalton, Ms. Heinz, Mr. Menditto, Mr. Tilton, and Mr. Wasilishen

Opposed: None

Ineligible: None

Abstain: None

Absent: None

Approved: _____
Mr. Papp, Chairperson

Attest: _____
Gina Kneser, Secretary