

**BOROUGH OF INTERLAKEN
MINUTES- PLANNING BOARD
FEBRUARY 17, 2014, 7:30 P.M.
BOROUGH HALL, 100 GRASMERE AVE**

An organizational meeting of the PLANNING BOARD of the Borough of Interlaken, Monmouth County, New Jersey was held on February 17, 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.

ROLL CALL:

Present: Mr. Gunn, Ms. Dalton, Mr. Menditto, Mr. Miller, Mr. Papp, Mr. Tilton, Mr. Wasilishen
Absent: Mr. Franks, Ms. Umfrid
Also Present: Sanford Brown, Board Attorney and Peter Avakian, Board Engineer/Planner

Board Attorney Brown stated for the record that Mr. Miller was attending the meeting though the use of a cell phone with a video component and has attended Borough Council meeting in the same manner.

UPON MOTION of Mr. Papp, seconded by Mr. Tilton, carried, the Board approved the minutes of December 16, 2013 meeting.

Ayes: Mr. Gunn, Ms. Dalton, Mr. Menditto, Mr. Papp, Mr. Tilton, Mr. Wasilishen
Nays: none
Absent: Mr. Franks, Ms. Umfrid
Abstain: Mr. Miller

Board Attorney Brown then swore in the following Board members: Ms. Dalton, Mr. Papp, Mr. Menditto, Mr. Wasilishen, Gina Kneser (Board Secretary).

Board Attorney Brown swore in Peter Avakian as Board Engineer and Planner.

Mr. Gunn opened the floor for nominations for Chairman.

Mr. Papp NOMINATED Mr. Gunn, seconded by Ms. Dalton.

With no additional nominations, the board voted and carried. The following resolution was adopted:

BE IT RESOLVED by the Interlaken Planning Board that the appointment of John Gunn as Chairman for the year 2014 is hereby approved.

ROLL CALL:

Ayes: Ms. Dalton, Mr. Menditto, Mr. Miller, Mr. Papp, Mr. Tilton, Mr. Wasilishen, Mr. Gunn
Nays: none
Absent: Mr. Franks, Ms. Umfrid
Abstain: none

Chairman Gunn opened the floor for nominations for Vice Chairperson.

Mr. Gunn NOMINATED Ms. Umfrid, seconded by Ms. Dalton.

With no additional nominations, the board voted and carried. The following resolution was adopted:

BE IT RESOLVED by the Interlaken Planning Board that the appointment of Kathy Umfrid as Vice Chairwoman for the year 2014 is hereby approved.

ROLL CALL:

Ayes: Ms. Dalton, Mr. Menditto, Mr. Miller, Mr. Papp, Mr. Tilton, Mr. Wasilishen, Chairman Gunn
Nays: none
Absent: Mr. Franks, Ms. Umfrid
Abstain: none

Chairman Gunn opened the floor for nominations for the Planning Board Secretary.

Ms. Dalton NOMINATED Gina Kneser, seconded by Mr. Wasilishen.

With no additional nominations, the Board voted and carried. The following resolution was adopted:

BE IT RESOLVED by the Interlaken Planning Board that the appointment of Gina Kneser as Board Secretary for the year 2014 is hereby approved.

ROLL CALL:

Ayes: Ms. Dalton, Mr. Menditto, Mr. Miller, Mr. Papp, Mr. Tilton, Mr. Wasilishen, Chairman Gunn
Nays: none
Absent: Mr. Franks, Ms. Umfrid
Abstain: none

UPON MOTION of Mr. Papp, seconded by Mr. Tilton, carried, the following resolution was adopted:

BE IT RESOLVED by the Interlaken Planning Board the The Coaster is heareby designated as the Official Newspaper for notices and matters as may be deemed necessary, according to law.

Ayes: Ms. Dalton, Mr. Menditto, Mr. Miller, Mr. Papp, Mr. Tilton, Mr. Wasilishen, Chairman Gunn
Nays: none
Absent: Mr. Franks, Ms. Umfrid
Abstain: none

UPON MOTION of Mr. Miller, seconded by Mr. Papp, carried, the following resolution was adopted:

WHEREAS, the Open Public Meetings Act is the law of the State of New Jersey and provides for Public Notices to be given to certain requirements concerning meetings of the Planning Board of the Borough of Interlaken, and

WHEREAS, the Planning Board of the Borough of Interlaken, and regular meetings and such meetings as may be necessary to carry out the business of the Planning Board and the Board wishes to adopt certain basic rules and regulations.

NOW, THEREFORE, BE IT RESOLVED that the following schedule is hereby adopted by said Board.

The regularly scheduled meetings of the Planning Board of the Borough of Interlaken shall be held at 7:30 PM on the third Monday of each month except in the case of legal holidays and other appropriate reasons when the meeting will be set forth as provided by law.

In the event of the Board's lack of business, notice will be given to the official newspaper of the Board on the cancellation of said meeting.

All meetings shall be held in the Borough Hall, 100 Grassmere Avenue, Interlaken, New Jersey.

THEREFORE, PURSUANT TO THIS RESOLUTION, the following dates for regular meetings shall be:

March 17, 2014	August 18, 2014
April 21, 2014	September 15, 2014
May 19, 2014	October 20, 2014
June 16, 2014	November 17, 2014
July 21, 2014	December 15, 2014

THEREFORE, PURSUANT TO THIS RESOLUTION, the dates for work sessions shall be determined on an as needed basis and notice of work sessions will be published in The Coaster.

BE IT FURTHER RESOLVED that in the event regular meetings or additional meetings have to be held at a date, time and place other than set forth herein due to unforeseen circumstances or in any emergency or for other appropriate reason, same shall be held at a date, time and place set forth by the chairman or according to law, and published in The Coaster and one in the office of the Borough Clerk.

BE IT REOLVED that the Board requires that all applications and appropriate plans in support thereof be received at least fourteen (14) days prior to the regular meeting as which it is proposed that the matter be heard.

THEREAFTER, the Board, at its discretion, will advise the applicant of the specific hearing date to appear for public hearing by the Planning Board Administrative Officer when the application and plans have been determined to be complete.

ROLL CALL:

Ayes: Ms. Dalton, Mr. Menditto, Mr. Miller, Mr. Papp, Mr. Tilton, Mr. Wasilishen, Chairman
Gunn
Nays: none
Absent: Mr. Franks, Ms. Umfrid
Abstain: none

UPON MOTION of Mr. Wasilishen, seconded by Ms. Dalton, carried, the following resolution was adopted:

WHEREAS, There is a need for a Board Attorney and a Board Engineer and Planner, and

WHEREAS, FUNDS ARE AVAILABLE FOR THIS PURPOSE and the Local Public Contracts Law (N.J.S.A. 40A:11-1 et. seq.) requires that the appointments made without competitive bidding must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Interlaken, that:

The Planning Board hereby engages the services of SANFORD D. BROWN, ESQ. and the firm of Sanford D. Brown, L.L.C. and PETER R. AVAKIAN, P.E., of Leon S. Avakian, Inc., as Board Engineer and Planner. This appointment is being made under the same terms and conditions as 2014 and for the term of one (1) year, effective January 1, 2014.

1. These appointments are being made without competitive bidding because this appointment involves a member of a recognized profession, licensed and regulated by law, and are, therefore, exempt under N.J.S.A. 40A:11-5.

2. The Planning Board Chairman and Secretary are hereby authorized and directed to execute agreements with SANFORD BROWN, ESQ. and PETER R. AVAKIAN, P.E.

3. A copy of this Resolution shall be published in The Coaster as required by law.

ROLL CALL:

Ayes: Ms. Dalton, Mr. Menditto, Mr. Miller, Mr. Papp, Mr. Tilton, Mr. Wasilishen, Chairman
Gunn
Nays: none
Absent: Mr. Franks, Ms. Umfrid
Abstain: none

UPON MOTION of Mr. Papp, seconded by Mr. Menditto, carried, the following resolution was adopted:

WHEREAS, the Planning Board of the Borough of Interlaken is required, pursuant to the N.J. S. A. 40:55D-70.1 and 40:55D-25c., reviewed at least once a year its decision on applications and appeals for variances, and to prepare and adopt by Resolution a report on its findings on Zoning Ordinance provisions which were subject of variance requests and its recommendations for Zoning Ordinance amendments or revisions, if any, and

WHEREAS, the Board has prepared a report, has discussed same, and find the report to be proper;

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Interlaken, as follows,

1. The report, a copy of which is attached hereto and incorporated herein, is approved.
2. The Chairman of the Board is hereby authorized to execute the report.
3. A copy of the report and the herein Resolution shall be forwarded to the Mayor and Council.

ROLL CALL:

Ayes: Ms. Dalton, Mr. Menditto, Mr. Miller, Mr. Papp, Mr. Tilton, Mr. Wasilishen, Chairman
Gunn
Nays: none
Absent: Mr. Franks, Ms. Umfrid
Abstain: none

An application had been presented to the Board at their February 17, 2014 meeting requesting approval for the placement of a shed and generator in the front yard, in addition to any other variance(s) the Board may deem necessary on the property known as Block 10, Lot 33.

**BOROUGH OF INTERLAKEN PLANNING BOARD
RESOLUTION WITH VARIANCES TO
DONNA M. GRIFFIN**

**WHEREAS, BOROUGH OF INTERLAKEN PLANNING BOARD
RESOLUTION GRANTING VARIANCE APPROVAL TO DONNA M. GRIFFIN**

WHEREAS, Donna M. Griffin, hereinafter referred to as “Applicant”, is the owner of certain property known as Block 10, Lot 33 on the official tax map of the Borough of Interlaken, which property is located at 312 Windermere Avenue in the Borough of Interlaken, County of Monmouth, and State of New Jersey; and

WHEREAS, said Applicant has requested approval for the placement of a shed and generator in the front yard; and

WHEREAS, said property is located in the R-A Single Family Residential Zone of the Borough of Interlaken; and

WHEREAS, in order to approve the placement of the shed and generator, variances are required because the Ordinance provides that no accessory structures may be placed in front yards; and

WHEREAS, after proper notice, a public meeting on the within application was held on December 16, 2013 at the Interlaken Borough Hall; and

WHEREAS, the Board has considered the reports of the Board Engineer, Peter R. Avakian P.E., P.P., dated November 22, 2013, and the testimony of the Applicant, and the documents and exhibits presented in support of the application; and

NOW THEREFORE, the Planning Board of the Borough of Interlaken makes the following findings of fact:

1. The Applicant is the owner of Block 10, Lot 33 in the Borough of Interlaken, County of Monmouth and State of New Jersey.

2. The property is irregular in shape measuring 351 feet in depth with 100 feet of frontage on Windermere Avenue. The property contains an area totaling 33,575 square feet. The site is currently occupied by a single family dwelling.

3. The Applicant's shed and proposed emergency generator are proposed in the front yard. Accessory structures are not permitted in the front yard and therefore require variances.

4. An accessory structure has a setback requirement of 5 feet from the side and rear property lines. The shed is 7.3 feet from the east side lot line and 176.3 feet from the rear lot line which both setbacks conform.

The proposed emergency generator is 29.6 feet from the west side lot line and 176.3 feet from the rear lot line, which both setbacks conform.

5. At the hearing the Applicant agreed to provide to the Board Engineer, a landscaping plan for a planted buffer surrounding the generator pad for his review and approval.

6. The Applicant provided testimony satisfactory to the Board that the proposed generator will comply with Ordinance regulations and provide noise abatement to neighboring properties. The Applicant agreed to submit a revised survey to the Board Engineer subject to his approval which marks the distance from the front property line of the generator as shown on the survey marked at the hearing and therefore being approximately 170 feet +/-.

7. The application can be granted to allow for the accessory structures in the front yard, because the generator provides a safety net for the owner and guests, and with the planting of a buffer shall provide an aesthetically pleasing facade and the existing shed is aesthetically pleasing and neither structure will burden neighbors, being at least 170 feet from the street.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Interlaken that the application for the variance pursuant to N.J.S.A. 40:55D-70 c-2 for placement of a shed and generator in the front yard in accordance with the application submitted, be and is hereby approved, based on Applicant's proofs and on the basis that the relief can be granted without substantial detriment to the

public good and will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance, subject to the following conditions:

A. Publication of a notice of this decision in the official newspaper serving the Borough of Interlaken and return of proof of publication to the Board Secretary;

B. Payment by the Applicant of all taxes, escrows and assessments to date. No building permit or certificate of occupancy is to be issued until proof is furnished to the Board Secretary that there are no taxes, escrows or assessments due or delinquent on the property in question.

C. The obtaining of all property building permits for construction, and construction in accordance with the documents marked at the hearings, and in compliance with the testimony and stipulations of the Applicant at the hearing;

D. Compliance with all conditions set forth in this Resolution, and also satisfying the general comments section of the Board Engineer's report;

E. Applicant receiving written approval from the Planning Board Engineer of a landscape plan and a revised survey to comport with the stipulations and conditions at the hearing;

F. Compliance with the requirements of all governmental agencies having jurisdiction over the development of the property;

G. Pursuant to Ordinance Section 25-3, Applicant shall have one year from the date of this Resolution to start construction, otherwise this variance approval shall expire one year from the date hereof.

H. The Applicant must comply with all representations made on the record.

BE IT FURTHER RESOLVED that a copy of this Resolution, certified by the Secretary of the Planning Board of the Borough of Interlaken to be a true copy, be forwarded to the Borough Construction Official, the Borough Clerk, the Borough Tax Assessor and Collector and the Applicants herein; and

BE IT FURTHER RESOLVED that this Resolution shall serve as one of memorialization of the action taken by this Board at its meeting on December 16, 2013.

The foregoing Resolution was offered by Mr. Papp and seconded by Mr. Tilton and adopted on

Roll Call by the following vote:

Ayes: Ms. Dalton, Mr. Menditto, Mr. Miller, Mr. Papp, Mr. Tilton, Mr. Wasilishen, Chairman
Gunn
Nays: none
Absent: Mr. Franks, Ms. Umfrid
Abstain: none

VARIANCE APPLICATION
502 WINDERMERE AVENUE
ELI YEDID

Eli Yedid, 502 Windermere Avenue, submitted an application before the Board seeking to appeal the August 10, 2011 determination by the Zoning Officer that a pergola is a non-permitted structure, on the property known as Block 10, Lot 27.

Jennifer Krimko, Esq., Ansell, Grimm & Aaron, the Applicant's attorney and Keenan Hughes, the Applicant's planner were also present.

There was a brief discussion regarding Mr. Miller's participation at the meeting. Mr. Miller was attending the meeting via Facetime on a cell phone. Ms. Krimko stated that she had no objection to Mr. Miller's attendance, but would object to Mr. Miller voting, due to the fact that he was not physically in attendance to review the evidence.

Mr. Menditto recused himself. Mr. Menditto lives within 200ft of the applicant. Mr. Menditto left the table and sat in the audience.

Board Attorney Brown reviewed the rules governing the voting eligibility of members and the numbers required for a quorum in regards to the evidence presented. Board Attorney Brown reserved the discussion regarding Mr. Miller's eligibility until it was determined whether his vote would be necessary for a quorum.

Ms. Krimko identified exhibits that were labeled by Board Attorney Brown. Ms. Krimko presented the application to the Board.

Ms. Krimko stated that she wanted to take a three prong approach to her application. The first prong being a request to overturn the violation action of the Zoning Officer that the Pergola was not a permitted accessory use. Ms. Krimko stated that she would like to discuss this matter first, before going on to the second or third prongs. Ms. Krimko presented this part of the application to the Board.

Mr. Keenan Hughes, Planner, provided the Board with his credentials. The Board accepted his credentials and he was sworn in by Board Attorney Brown. Mr. Hughes gave testimony regarding his interpretation of state statues and the Borough's ordinance regarding accessory uses.

Chairman Gunn opened the floor for the Board to ask questions to Mr. Hughes.

Chairman Gunn and Mr. Miller posed questions to Mr. Hughes regarding specifics of the Borough ordinance pertaining to accessory use.

Mr. Tilton posed questions regarding accessory structures and the master plan.

Chairman Gunn opened the floor to the public for questions specific to Mr. Hughes testimony.

Mr. Napoli, 515 Windermere Avenue, asked Mr. Hughes questions regarding differences between accessory structures and their definitions.

With no additional public present, Chairman Gunn closed the floor to public comment.

Board Attorney Brown marked for identification reports from Board Planner/Engineer Avakian. Ms. Krimko accepted Board Engineer/Planner's credentials as a land surveyor.

Chairman Gunn asked for the opinion of the Board Attorney and the Board Planner.

Board Planner Avakian discussed the roles of the Planner/Engineer and the Zoning Officer. Board Planner Avakian does not believe the role should be to interpret the law and feels the Zoning Officer was correct in referring the matter to the Zoning Board.

Board Attorney Brown provided the Board with information regarding court decisions pertaining to accessory uses.

Chairman Gunn expressed to the Board that it was after 10 PM, but he would like continue discussion and vote on this matter. The Board agreed to continue. The Board had a brief discussion.

Ms. Dalton made motion to support the appeal and reverse the violation action by the Zoning officer, seconded by Mr. Wasilishen and carried.

Ayes:	Ms. Dalton, Mr. Tilton, Mr. Wasilishen, Chairman Gunn, Mr. Miller
Nays:	Mr. Papp
Absent:	Mr. Franks, Ms. Umfrid
Abstain:	Mr. Menditto

At this time, Mr. Menditto rejoined the table.

Due to the late hour, Chairman Gunn postponed the scheduled workshop discussion and tabled the discussion regarding the Planner to the next meeting.

There being no further business, the meeting was adjourned.

UPON MOTION of Mr. Papp, seconded by Ms. Dalton, carried the meeting was adjourned.

Approved: _____
John Gunn, Chairman

Attest: _____
Gina Kneser, Secretary