

**BOROUGH OF INTERLAKEN  
MINUTES- PLANNING BOARD  
JUNE 19, 2017 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 June 19, 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.

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**ROLL CALL:**

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

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

Absent: Ms. Dalton

Councilman Gunn made note of an incorrect date in the first paragraph of the minutes.

UPON MOTION of Ms. Heinz, seconded by Mr. Wasilishen, carried, the Board approved the amended minutes of May 15, 2017 meeting.

**ROLL CALL:**

In Favor: Chairman Papp, Vice Chairwoman Umfrid, Ms. Heinz and Mr. Tilton

Opposed: None

Ineligible: None

Abstain: Councilman Gunn, Mr. Menditto, Mr. Wasilishen

Absent: Ms. Dalton

Mr. Tilton recused himself and left the table. Mr. Tilton's property is within 200ft of the applicant's property.

**22 BARRA STREET**

Benjamin Harvey, 22 Barra Street, Block 14/ Lots 8.02, 9.02 & 10.02, submitted an application before the Board requesting an approval from the Planning Board to construct a retaining wall, widening of an existing driveway, construction of a 5ft tall masonry screen wall, patio and walkway. Construction of these items had begun, but was stopped by the Construction Official, due to the need for a variance.

Mr. Peter Falvo, Attorney for the applicant, and Mr. William Fitzgerald, Professional Engineer joined the table.

Board Attorney Brown labeled exhibits.

Mr. Fitzgerald was sworn in by Board Attorney Brown.

Mr. Fitzgerald presented his credentials which were accepted by the Board.

Chairman Papp asked for public questions regarding Mr. Fitzgerald's credentials, with no public questions the matter proceeded.

Mr. Falvo presented a simplified plot plan of existing conditions for illustration. The plan showed existing conditions of the patio, the five to six foot masonry screen wall, and the widened driveway setback.

Mr. Falvo stated that the patio was preexisting to Mr. Harvey's purchase. There was also a preexisting wall consisting of a couple of courses of block, to which Mr. Harvey made modifications to create the masonry screen.

Mr. Falvo stated that the property suffers from a drainage issue.

Mr. Fitzgerald described the existing conditions of the property, as it pertains to the drainage issue.

Mr. Fitzgerald explained the current conditions of the property using photographs and a plot plan that was entered into evidence.

Mr. Fitzgerald stated that Mr. Harvey took cues from an adjacent properties survey marker and expanded upon the existing conditions of the property which included expanding the height of a retaining wall and the expansion of a driveway.

Mr. Fitzgerald stated that, according to Borough ordinance, retaining walls are permitted anywhere.

Mr. Fitzgerald stated that the arch of the retaining wall creates an encroachment on to the adjoining property

Mr. Papp questioned whether there was a survey done prior to building the masonry screen and extending the patio. Mr. Papp asked questions regarding the details of what conditions existed at the time that Mr. Harvey acquired the property.

Mr. Fitzgerald stated that the survey was done as part of the application.

Mr. Fitzgerald presented plans of existing driveway drainage conditions which were marked into evidence.

Mr. Fitzgerald presented a proposed grading plan to control water flow on the property.

The Board discussed the proposed grading plan.

Mr. Papp questioned the need to widen the driveway.

Mr. Fitzgerald stated that the driveway widening was required to achieve the necessary slope to direct the water flow.

Councilman Gunn questioned why the slope could not be accomplished without using asphalt.

Ms. Umfrid asked if pervious material would make more sense, so the water is able to run through.

Mr. Fitzgerald stated that the condition existed before the current owner.

Ms. Umfrid asked about other alternatives to the asphalt, such as a French drain.

Mr. Fitzgerald stated that the house on the property already has sump pumps and the homeowner would not want to pump any additional water underground.

Mr. Papp stated that the project is over the maximum impervious surface coverage. Mr. Papp is not comfortable with that, due to the closeness of the lots.

Mr. Fitzgerald stated that the existing impervious surface coverage is 39.3%, 4.3% over the 45% that is permitted.

Ms. Heinz stated that she had this same issue with house she previously owned with a very long driveway and a drain that was installed in the driveway remedied the problem.

Mr. Fitzgerald stated that that would not be possible in this case. The pitch was only one foot.

Board Attorney Brown read from Mr. Avakian's letter dated May 19, 2017 which states that the applicant should submit a grading plan for the proposed driveway. All runoff should be directed towards Bara Street.

Board Attorney Brown stated that the grading plan entered into the evidence at this meeting, has not been reviewed by the Board Engineer.

Board Attorney Brown stated that Board Engineer Avakian's letter contains instructions regarding groundwater recharge, that leaders be connected to the system and asks that soil log and permeability testing be provided, if an underground or drywell system is proposed.

Mr. Fitzgerald stated that there is every reason to believe that this property is permeable. The property has been categorized by the Natural Resources Conservation Services as Eavesboro Urban. If an underground system was a condition of the approval, it could be done. Mr. Fitzgerald does not feel it would be a good idea due to the need for existing sump pumps.

The Board discussed the grading plan, the impervious coverage and a walkway behind the garage.

Chairman Papp opened the floor for questions to Mr. Fitzgerald. Hearing no questions for Mr. Fitzgerald, Chairman Papp closed the floor.

Mr. Harvey joined the table and was sworn in by Board Attorney Brown.

Mr. Harvey testified that when he purchased the house he reviewed a survey prepared by Richard Zinn and prepared by Jason Stewart dated April 9, 2014. The survey was marked into evidence.

Mr. Harvey stated he purchased the home two years ago in August 2015. The survey was provided by at the time of purchase from the previous owner.

Mr. Harvey testified to existing conditions shown on survey including a pool with a concrete deck, a wall on the property line with a chain link fence and a wall in the south east corner of property.

Chairman Papp noted that the survey did not indicate the height of the wall.

Mr. Harvey testified that the pool was gone when he purchase the property. Mr. Harvey stated that what is being referred to as a patio is a concrete slab with two or three courses of block. It was existing and it is not used as a patio. Mr. Harvey stated that he mistakenly added to the height of the courses of block that abuts the patio. Mr. Harvey stated that he removed a section of the wall that was existing that ran along the back of the property. There is just a fence there now.

Mr. Falvo introduced photos of the property which showed the property.

Mr. Harvey stated that the wall that he added block to was on the east and abutted the adjacent property. The wall went almost the whole length from the south east corner to the garage. Mr. Harvey extended the wall to the garage and uses the area to store kayaks and keep the garbage cans there. The wall was extended to control mess and raccoons. The area is between three houses.

Mr. Harvey stated that there is a fence with ivy on it on the other side of the wall.

Mr. Harvey stated that the garage is very low. Increasing the width of the driveway is required to fix the water. The garage is dictating the elevation. It is a fixed elevation. The driveway must be milled at the garage and repaved to stop the water from collecting.

Councilman Gunn questioned the use of asphalt, stating there are other ways to control the water.

The Board discussed alternative options to control water.

Mr. Falvo suggested that the applicant table the application and submit the plans prior to the meeting, so they can be reviewed by Board Engineer Avakian in advance of the meeting.

The Board agreed to table this matter to the next meeting where Board Engineer Avakian can be present to have the benefit of his review.

Chairman Papp asked if there were any questions for Mr. Harvey. With no questions for Mr. Harvey, Mr. Papp closed the floor.

The application was tabled for the July 17, 2017 meeting.

Board Attorney stated that general procedure is to open the floor to the public for question to each witness and open the floor at the end for general comments.

Chairman Papp stated that the Board may benefit from hearing public comment and opened the floor.

Peter Hughes, 512 Bendermere Avenue, stated that he purchased his property in 1983. Mr. Hughes stated that he is opposed the zero foot setback variance for the masonry and a five foot masonry wall. It is not about covering the wall with decorative masonry. It is not a permitted wall.

Board Attorney Brown questioned Mr. Hughes regarding the height of the block wall prior to Mr. Harvey's purchase.

Mr. Hughes stated that the wall was in place along the length of the corner of the property and was two foot high.

When questioned by Mr. Falvo, Mr. Hughes stated that the previous owner installed the patio. Mr. Hughes also stated that there are no trees in front of the wall, but on the side. The trees on the side are in the process of being removed.

Mr. Fitzgerald stated that Mr. Harvey is willing to take the wall down to two feet and use a planter to control the water in the driveway. This would be subject to Peter's review.

Chairman Papp recommended the applicant's engineer get together with Borough Engineer Avakian to review changes to the application.

Mr. Fitzgerald stated that Mr. Harvey would bring his revised application to Board Engineer Avakian for review.

Mr. Tilton rejoined the Board at this time.

UPON MOTION of Ms. Heinz, seconded by Mr. Menditto, carried, the meeting was adjourned.

ROLL CALL:

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

Opposed: None

Ineligible: None

Abstain: None

Absent: Ms. Dalton

Approved: \_\_\_\_\_  
Mr. Papp, Chairperson

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