

**BOROUGH OF INTERLAKEN
MINUTES- PLANNING BOARD
MARCH 18, 2019 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 18, 2019 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 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, Vice Chairwoman Umfrid, Councilman Butler, Mr. Tilton, Ms. Dalton, Mr. Menditto, Mr. Wasilishen, Ms. Heinz, Mr. Weaver and Ms. Kane

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

Late Arrival: None

Absent: Ms. Gatsch and Mr. Wentz

UPON MOTION of Mr. Weaver, seconded by Mr. Weaver, carried, the Board approved the minutes of July 16, 2018 meeting.

ROLL CALL:

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

Opposed: None

Ineligible: None

Abstain: None

Board Attorney Brown announced to the audience that the application for 316 Bridlemere Avenue has been adjourned. Board Attorney Brown stated that there was an issue in terms of notice. A letter from Board Engineer/Planner Avakian indicating that a review of the new landscape plan, which was referred to at the prior hearing, made it apparent that there were new additions to the proposed improvements. Those improvements resulted in an increase in impervious surface coverage, which increased the impervious surface percentage from what was granted by the Board in the 2017 approvals. Due process required re-notice for that additional request. It is not a variance, per sei, but is a condition that was violated under the 2017 approval. The application will be re-noticed, but presumably, since everyone within 200 ft will be noticed and the notice will be advertised in normal course, the notice can be relied upon to provide the date of the hearing.

Applications:

729 Raymere Avenue, Block 12 /Lot 15 DeSarno
Second Story Addition

Mr. Weaver recused himself and left the table, as Mr. Weaver is a homeowner within 200ft of the applicant.

Mr. DeSarno, Applicant, and Mr. Chris Rudman, Architect for the Applicant, joined the table.

Mr. DeSarno stated that he will have his architect testify on his behalf.

Mr. DeSarno noted that his wife was present but does not intend to testify.

Mr. DeSarno and Mr. Chris Rudman, Architect for the homeowner, were sworn in by Board Attorney Brown.

Mr. Rudman presented his credentials to the Board. Mr. Rudman is licensed as an architect in State of New Jersey with eighteen years of experience and has provided testimony to various boards and holds a Bachelor of Arts Degree from New Jersey Institute of Technology and will be testifying regarding the architecture.

The Board accepted Mr. Rudman's credentials.

Board Attorney Brown marked exhibits as follows:

- B-1 Mr. Avakian's letter dated February 19, 2019
- B-2 Mr. Avakian's letter dated February 5, 2019
- A-1 Application which also includes the Zoning Determination and a letter from Mr. Rudman dated February 8, 2019
- A-3 Plans dated December 18, 2019, revised to February 5, 2019
- A-4 A series of photos taken by Mr. DeSarno around February 2019 and accurately reflect the conditions of the house

Board Attorney Brown verified that the recording system was picking up Mr. Rudman's testimony and that the audience members could see the Board that Mr. Rudman was using to illustrate the testimony.

Mr. Rudman referred to a previously submitted plan to describe the proposed project, stating that the homeowner has the desire to add a second-floor addition over an existing first floor. The existing site is an undersized non-conforming lot. Nothing is being done to the site. The new addition is 28ft 2inches which is conforming. It is an undersized lot. The lot is a 50ft width where a 75ft width is required. The variance is required because of the undersized lot.

Mr. Rudman used the previously submitted plans to show the elevations.

Mr. Rudman confirmed to Chairman Papp that the new addition siding will be shingle style and will match the existing house.

Chairman Papp asked if the calculations requested by Mr. Avakian's letter were addressed.

Mr. Rudman confirmed that they were. The building and impervious coverage calculations were added to the plan and the plot plan was revised to be scaled. The revisions were documented in the revision dated February 5, 2019.

Chairman Papp questioned the building height.

Mr. Rudman stated that spot elevations were taken, and the height looks to be confirming. Additional elevations can be supplied to confirm the measurement, if requested.

Chairman Papp opened the floor for questions from the Board.

Ms. Umfrid asked if the project that was previously approved by the Board had been completed.

Mr. DeSarno stated that all the various bids for the cost of the project came in beyond what was expected, and the project was not built.

Chairman Papp opened the floor to the public comment.

Ms. Janet Casini-Pepe, 731 Raymere Avenue, stated that she has no objections to the application and cannot wait for the new additions to the family.

Board Attorney Brown confirmed with Mr. DeSarno that his testimony is complete and that if the Board approves the application, the approvals for the previously approved 2016 resolution for the prior application be null and void and will no longer have any impact.

Mr. Rudman stated that the improvements would not be seen from the street in front of the house once it is constructed. Mr. Rudman believes that the addition is aesthetically pleasing and that it will be beneficial to the overall public good. Mr. Rudman believes that there are no negative effects to the neighborhood or the public good.

Chairman Papp closed the public portion by roll call.

ROLL CALL:

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

Opposed: None

Ineligible: None

Abstain: None

Board Attorney Brown referred to Board Engineer/Planner Avakian's letter at B-6 on the bottom of page two, noting that a variance is required for a side yard setback and it was a pre-existing non-conforming structure and it is an expansion of a non-conforming structure and therefore requires a variance.

Mr. Rudman stated that there was a deck and a patio installed that increased the impervious surface.

Mr. DeSarno agreed to comply with Board Engineer/Planner Avakian's notes on the February 5, 2019 letter regarding roof leaders draining into a stone recharge pad or structure approved by Board Engineer/Planner Avakian's office. Soil samples should be provided, should any underground system or drywell is proposed. Subsurface soils must be capable of infiltration rates proposed.

Mr. Rudman stated that no underground system was proposed and that there was adequate previous testimony regarding site conditions.

Mr. DeSarno agreed to Mr. Rudman's statement.

Chairman Papp stated that the property is small and there are exiting non-conformities. The variances are within a reasonable hardship situation and he has no issues approving any of these variances.

Board Attorney Brown asked Mr. Tilton if he was proposing approval for a Flex C variance.

Mr. Tilton agreed stating that the property is radically undersized. Mr. Tilton believes that if this project was proposed for a lot that was adequate for the zone, the applicant would not be required to come before the Board. There is no detriment to neighborhood, the zone or the neighbor.

UPON MOTION of Mr. Tilton, seconded by Mr. Menditto, on the condition that the application be compliant with the conditions of Board Engineer Avakian's letters dated February 5, 2019 and February 22, 2019, carried, the Board approved the application.

ROLL CALL:

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

Opposed: None

Ineligible: None

Abstain: Mr. Weaver

Absent: Ms. Gatsch and Mr. Wentz

Board Attorney Brown noted to Mr. DeSarno that there will be memorialization of the resolution at the next meeting. Once the memorialization has been approved and it then must be published. There is 45 days from the date of publication that someone could file an appeal.

Mr. DeSarno thanked that Board.

Mr. Rudman and Mr. DeSarno left the table.

Mr. Weaver rejoined the table at this time.

The Board discussed Township of Ocean Township's (TOSA) request, to come before the Board to present a Capital Review of the pump station located in Interlaken.

Board Attorney Brown noted that there were no representatives from TOSA present.

Board Attorney Brown stated that in January, this year, Mr. Schmelling, of TOSA, contacted Planning Board Secretary Kneser that they would like to come back before the Board for a capital review. Board Secretary Kneser contacted Board Attorney Brown who discussed the matter with Chairman Papp. The request was reviewed by the full Board at the February 5, 2019 meeting. The Board decided that this was not a capital review matter but was, in fact under statute, a site plan application. Attorney Brown wrote a letter to that effect to TOSA counsel. TOSA's counsel wrote a letter back stating that the TOSA will not be coming back before Interlaken Planning Board for any reason.

The Board had further discussion regarding the matter.

Board Attorney Brown advised the Board that TOSA came before the Ocean Township Planning Board in 2017 with a request for a capital review of a similar application, an expansion of the pumping station. The Ocean Township Planning Board refused the request for the application to be viewed as a capital review and stated that project should be based on a site plan review. Board Attorney Brown noted that Ocean Township is the largest of five constituent municipalities that make up the Township of Ocean Sewage Authority (TOSA).

Board Attorney Brown stated that TOSA has made the argument that they cannot appear before this Board, as contracts have already been let out and stoppage would cause liquidated damages.

Board Attorney Brown advised the Board that no public authority is permitted to spend any public monies without getting recommendation from a Planning Board but has in fact issued at least two checks to the contractor totaling a little less than \$100,000 for work that has already been done. One was noted as materials and one was for work that has been done.

Board Attorney Brown advised the Board that TOSA has submitted construction permits for approval.

Board Secretary Kneser stated that the construction permits have received approvals but are on hold awaiting zoning approval.

Options of possible action by the Board was discussed by the Board with Board Attorney Brown. It is the Board's desire to review the project as a site plan.

Mr. Wasilishen asked about consequences for the Board's inaction.

Vice Chairwoman Umfrid expressed concern regarding the surety of the pumping station and spoke of the threat to the system during Superstorm Sandy. Vice Chairwoman Umfrid feels the Board should have input in the review, to be sure that the project is being done correctly.

Ms. Dalton also expressed concern in a delay of the project due to the threat of another system like Superstorm Sandy and noted that TOSA was pretty up front about the plan the last time they came before the Board.

Board Attorney Brown reviewed correspondence from TOSA with the Board regarding their request that the application be treated as a capital review. Based on Attorney Brown's review of these submitted documents, they are moving ahead with the project. The documents say that TOSA will not be in a position to come before the

Board for a site plan application, because there are time constraints in the construction contract for time periods that cannot be extended without the authority being in breach.

Ms. Umfrid questioned what information a site plan would provide. The Board needs to determine that the work that is being done will correct the potential problem that came about during Superstorm Sandy.

Board Attorney Brown noted that the site plan review would not be a review of the system, but a review of the site plan considerations, as is done with other applications before the Board.

Board Attorney Brown stated that the Department of Environmental Protection has reviewed the engineering plans and has given the approval for project. It is not a site plan approval.

The Board had continued discussion regarding options for the Board's response including what is gained by a site plan review, the Board's legal exposure, the motivation for the decision not to comply and actions that the Board should take.

Vice Chairwoman Umfrid suggested sending a letter to Ocean Township Council informing them of TOSA's refusal to the Board's request for a site plan review.

Upon Mr. Tilton's suggestion the Board decided that a letter would be sent to the Mayor and Council of Interlaken, asking them to send a letter to the Ocean Township Mayor and Council advising them of the refusal to comply.

Mr. Barr, resident at 312 Bridlemere Avenue and former Planning Board Chairperson, suggested from the audience, that the letter to be sent to Ocean Township Mayor and Council should express that there is no intention to hold up a public project but there is a concern that the project be done correctly and the Board has a responsibility to the residents.

Councilman Butler stated that he will discuss the letter with the Mayor and Council at the next meeting.

UPON MOTION of Mr. Weaver, seconded by Ms. Dalton, carried, the Board will have Board Attorney Brown to prepare a letter to the Mayor and Council of Interlaken advising the Interlaken Planning Board's concern regarding the actions of the Township of Ocean Sewage Authority regarding the actions of the Township of Ocean Sewage Authority regarding its refusal of compliance in the site plan planning requirements.

Board Secretary Kneser announced that Mr. Frank DiRoma has been hired by the Borough as the new Zoning/Code Enforcement Officer. Mr. DiRoma will have hours at Borough Hall on Mondays between 4:30-6:30pm.

ROLL CALL:

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

Opposed: None

Ineligible: None

Abstain: None

Absent: Ms. Gatsch and Mr. Wentz

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

ROLL CALL:

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

Opposed: None

Ineligible: None

Abstain: None

Absent: Ms. Gatsch and Mr. Wentz

Approved: _____
Mr. Papp, Chairman

Attest: _____
Gina Kneser, Secretary