

**BOROUGH OF INTERLAKEN  
MINUTES- PLANNING BOARD  
NOVEMBER 20, 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 November 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 Meeting Act and that Notice of the meeting had been published in the Coaster. The announcement 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 and Mr. Tilton

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

Absent: Mr. Wasilishen

Late Arrival: 7:42pm Ms. Dalton

UPON MOTION of Councilman Gunn, seconded by Ms. Dalton, carried, the Board approved the minutes of October 18, 2017 meeting.

**ROLL CALL:**

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

Opposed: None

Ineligible: Mr. Weaver

Abstain: None

Absent: Mr. Wasilishen

Douglas Weaver, 717 Raymere Avenue, was sworn in by Board Attorney Brown as a Class IV member of the Board.

**MEMORIALIZATIONS**

An application had been presented to the Board at their June 19, 2017 and October 18, 2017 meetings to construct a retaining wall, widen an existing driveway, construct a five foot masonry screen wall, install a patio and a walkway on the property known as Block 14/Lot 8.02, 22 Barra Street.

Vice Chairwoman Umfrid questioned who would be responsible for insuring that the wall would be down within the 30 day requirement.

Board Attorney Brown stated that the Board Engineer's office would be responsible.

**BOROUGH OF INTERLAKEN PLANNING BOARD  
RESOLUTION WITH VARIANCES  
TO BENJAMIN HARVEY, 22 BARRA STREET**

**WHEREAS, Benjamin Harvey**, hereinafter referred to as "Applicant", is the owner of a certain property known as Block 14, Lot 8.02, 9.02 and 10.02, on the official tax map of the Borough of Interlaken ("Property"), which Property is located at 22 Barra Street in the Borough of Interlaken, County of Monmouth, and State of New Jersey; and

**WHEREAS**, said Applicant had originally filed a variance request in order to finish work already started on a driveway extension as well as a rear block wall; and

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

**WHEREAS**, a denial from the Zoning Official has been received by the Applicant indicating that the driveway extension does not comply with the side and rear yard setbacks and also, the masonry wall is non-compliant in style and design; and

**WHEREAS**, after proper notice, public meetings on the within application were held on June 19, 2017 and October 16, 2017 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 May 19, 2017 and revised on August 16, 2017, and the documents and exhibits presented in support of the application, and comments of the public;

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

1. The Applicant is the owner of Block 14, Lots 8.02, 9.02 and 10.02 in the Borough of Interlaken, County of Monmouth and State of New Jersey.
2. The Applicant requested approval of the Borough Zoning Officer for variances/waivers.
3. The Zoning Official denied the application by the Applicant, indicating that the driveway extension does not comply with the side and rear yard setbacks and that a masonry wall is non-compliant in style and design.
4. The Property in question is located in the R-A Single Family Residential Zone of the Borough of Interlaken.
5. The Property is irregular in shape, having approximately 83 feet of width and approximately 150 feet of depth. The existing lot area is 11,752 square feet.

6. The minimum lot area permitted per the zoned district is 15,000 square feet. The existing lot area is 11,752 square feet, which represents an existing non-conformity.

7. The minimum lot width permitted per the zoned district is 75 feet. The existing lot width is approximately 83 feet, which conforms.

8. The minimum lot depth permitted per the zoned district is 150 feet. The existing lot depth is 150 feet, which conforms.

9. 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 existing front yard setback is 26.4 feet, which represents an existing non-conformity.

10. The minimum side yard setback permitted per the zoned district is 15 feet. The existing south side yard setback is 9.7 feet, which represents an existing non-conformity. The existing north side yard setback is approximately 23 feet, which conforms.

11. The minimum rear yard setback permitted per the zoned district is 30 feet. The existing rear yard setback is 81 feet, which conforms.

12. The maximum building area coverage permitted per the zoned district is 25% of the lot area. The existing building coverage is approximately 18.0%, which conforms.

13. The original application requested a variance for maximum impervious surface area for which 45% of total lot area is permitted. The Applicant initially proposed an impervious coverage of 49.3% but with the revisions announced at the October 16, 2017 hearing, the total impervious surface area will comply with the Ordinance and therefore, no variance was ultimately requested or needed.

14. The minimum side and rear yard setback for the garage (accessory structure) is 5 feet. The existing garage has a side yard setback of 5.5 feet and a rear yard setback of 9.5 feet, which conforms.

15. The garage shall not exceed 1-story or 15 feet in height. The existing garage is 1.5 stories and approximately 20 feet in height. This represents an existing non-conformity.

16. Based on the proofs submitted at the two hearings and the conditions agreed upon at the October 16, 2017 hearing, and as set forth in this Resolution, the patio is acceptable and the variances are granted.

17. The Borough Ordinance Section 26-33b, Permitted Accessory Uses, does not permit walls. The Applicant has constructed a masonry wall at the rear and side of the yard. A variance is required.

18. The original application requested a variance in order to construct a driveway closer than 5' to the adjoining northerly lot lines. At the October 16, 2017 hearing the Applicant amended his application by advising that he would complete construction of the driveway so that a variance would not be required. The Board found that the relief requested under the amended application would be granted subject to the Applicant submitting a grading plan for any area of the driveway to be regraded to the Board Engineer and subject to his approval.

19. With the changes in the application submitted by the Applicant at the October 16, 2017 hearing, the focus remained on the existence of the concrete walls which are V or L shaped emanating

from the northeast corner of the Property westward and southerly. Pictures had been submitted at the first hearing of the details of the concrete walls. Exhibit 2(e) highlighted the easterly wall and Exhibit 2(f) highlighted the northerly wall.

20. The adjacent property owners to the east, Mr. & Mrs. Hughes, appeared at both hearings and objected to the existing wall adjacent to their property. Their grounds included that prior to the ownership by the Applicant, the concrete retaining wall was only two courses above the existing grade on the Applicant's Property, the wall as it had been rebuilt and constructed was aesthetically not pleasing, and was not permitted by the Ordinance on fences. By the end of the October 2017 hearing, the Hughes and the Applicant agreed that the existing eastern wall would be reduced to a height of only two (2) block courses above the grade level on the Applicant's property plus the 2"± height of a new capstone added to the two (2) block courses. This will be done within thirty (30) days of the passage of this Resolution. A mark up of Exhibit 2(e) was submitted into evidence at the October 2017 which highlighted in blue ink, the new height of the wall. Additionally, the Hughes and the Applicant agreed that the new easterly wall will be improved with an aesthetically pleasing masonry coating, the details of which will be submitted to and approved by the Board Engineer in a timely manner so that approval may be granted by the Board Engineer and the improvements completed within the thirty-day deadline, from the date of the adoption of this Resolution.

21. At the October 16, 2017 hearing, the Applicant submitted a letter from the owners of the property adjacent to the northerly wall. The letter indicated that they did not have any objections to the wall remaining as it presently existed. Based on concerns expressed by the Board, the Applicant agreed to reduce the height of the northerly wall, also with a thirty (30) days deadline and to the same height, and based on the same construction standards as with regards to the easterly wall.

22. The Board finds that the new height will comply with the definition of a retaining wall under the Ordinance as based on the very particular details of this application and shall not be construed to expand the general definition of the permitted height of the "retaining wall" under the Ordinance.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of Interlaken that the amended application for variance approval is hereby approved, in that as to this particular Property the benefits of the deviation will substantially outweigh any detriment of not granting said variances based on Applicant's proofs that sufficient reasons exist for the same, for the reasons set forth in the findings of fact in this Resolution; and also on the basis that the relief can be granted without substantial detriment to the public good because the required changes and improvements to the wall will be a betterment and not harm the views of adjacent neighbors and the finding that the improvements will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance of the Borough of Interlaken, but subject to the following conditions:

A. The Applicant shall submit the revised grading plan to the Board Engineer and subject to his approval within the time set forth in this Resolution.

B. The Applicant shall seek immediate approval from the Board Engineer of the details for the reconstruction of the northerly and easterly walls and complete all changes and improvements as set forth in this Resolution, no later than thirty (30) days of the date of the passage of this Resolution.

C. A General Note shall be added to the plot plan stating the existing curb and sidewalk along the frontage will be replaced if found in poor condition.

D. After the completion of the demolition and improvement to the walls as set forth in this Resolution, there shall be no nonconforming additions or improvements permitted to be made to walls without the express approval of this Board, with the understanding that improvements fully complying with the Ordinance would be permitted with the issuance of a building permit such as a fully compliant open-faced fence at the height permitted under the Ordinance.

E. 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.

F. 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.

G. The obtaining of all proper 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.

H. Compliance with the requirements of all governmental agencies having jurisdiction over the development of the Property.

I. 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, and once issued, the Applicant shall continue to complete the construction in a commercially reasonable time frame.

**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 Applicant 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 October 16, 2017.

The foregoing is a true copy of a Resolution adopted by the Planning Board of the Borough of Interlaken on the 20<sup>th</sup> day of November, 2017.

The foregoing Resolution was offered by Chairwoman Umfrid and seconded by Councilman Gunn and adopted on Roll Call by the following vote:

**ROLL CALL:**

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

Opposed: None

Ineligible: None

Abstain: Mr. Tilton

Absent: Mr. Wasilishen

Mr. Papp announced that there was an application for consideration.

**709 RAYMERE AVENUE, BLOCK 12/LOT 6, (FRANCESE)**

**Application to allow the current deck, which has been in place for nearly 20 years, to remain. Variances are required for Impervious Surface coverage. 45% is permitted and 47.3% is requested. A variance for side yard setback is also required. 15 feet is permitted and 10 feet is requested.**

Mr. Weaver recused himself and left the table, as he resides within 200ft of the applicant.

Mr. Jason Mandia of Stone Mandia, Attorney for the Applicant, joined the table.

Board Attorney Brown confirmed that proper notice was given for the application.

Board Attorney Brown marked exhibits. The application packet was marked collectively as A-1. A letter from Peter Avakian, Board Engineer and dated November 2, 2017 was marked as O-1.

Mr. Mandia submitted additional photos. A set of three photos showing the 2001 condition of the property were marked as A-2. A set of six photos showing the current conditions was marked as A-3. A set of four additional photos of the neighborhood and views from the street were marked as A-4.

Board Attorney Brown noted that there were four people in the audience. There were no objectors.

Mr. Mandia summarized the application for the Board. The owner, Ms. Francese was looking to sell the house. A Certificate of Occupancy was denied, due to the fact that a deck that was constructed without zoning approval or permits. The applicant is requesting a C variance for the deck to remain in place. It is an undersized lot at 6, 669sqft. Mr. Mandia referenced photos marked as A-2 to describe the condition of the property when it was purchased in 2001. There was a patio with half brick and half concrete. The deck was built over the concrete and the brick area was paved, after that, in 2005.

Mr. Mandia stated that the deck and patio were completed in 2005. The impervious surface ordinance in the Borough was not established until 2007. The lot is not over developed. The building coverage is only 22%. The impervious surface coverage is 53.3% where 45% is permitted. The impervious surface coverage was 47.3% when the property was purchased in 2001. The east side of the deck is 10ft from the property line. It is set back from the house, which is 8ft from the property line.

Mr. Mandia noted that the deck cannot be seen from a street view and the property has a shared driveway.

Mr. Mandia entered a survey dated February 2, 2001 which shows the conditions of the property upon purchase. It was marked into evidence as A-5. An additional survey dated May 15, 2017 showing current conditions of the property was marked into evidence as A-6. A site plan showing the east and rear elevation prepared by Mark Fessler was marked into evidence as A-7.

Mr. Mandia stated that the deck is a positive addition as it is a clear enhancement to the property. The neighbors are close and they see a nicer environment. The deck is not infringing on neighboring properties. The lot is undersized, but it still has not been over developed.

Councilman Gunn asked if any complaints have been submitted pertaining the deck, since it was put up in 2001.

Board Secretary Kneser stated that there have been no complaints in the last five years she has worked in the main office of the Borough and there is no note or complaint for in the Borough Construction file for the block and lot.

Mr. Mandia stated that the Architect for the Applicant would testify that it is aesthetically pleasing.

Chairman Papp asked the Board for comment.

Mr. Papp stated that there are several undersized properties within the Borough and he believes this is not an extreme non-conformity.

Councilman Gunn stated that the application is worthy of approval. The benefits are obvious in the photos.

Mr. Papp stated that not approving the application and having the applicant rip the deck down would be counterproductive.

Mr. Tilton stated that the lot is grossly under sized. The shared driveway puts them at a disadvantage. The size of the deck relates to the size of the property. It was nicely done.

Mr. Papp opened the floor for public comment. With no public comment, the floor was closed by Roll Call.

ROLL CALL:

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

Opposed: None

Ineligible: None

Abstain: None

Absent: Mr. Wasilishen

UPON MOTION of Mr. Tilton, subject to Mr. Avakian's letter dated November 2, 2017, seconded by Mr. Menditto, carried, the Board approved the application.

ROLL CALL:

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

Opposed: None

Ineligible: None

Abstain: None

Absent: Mr. Wasilishen

The applicant, Ms. Francese, thanked the Board for their time and she and Mr. Mandia left the meeting.

Mr. Weaver rejoined the table.

UPON MOTION of Ms. Heinz, seconded by Ms. Dalton, carried, the Board adjourned the meeting.

ROLL CALL:

In Favor: Chairman Papp, Councilman Gunn, Vice Chairwoman Umfrid, Ms. Dalton, Ms. Heinz,  
Mr. Menditto, Mr. Tilton and Mr. Weaver  
Opposed: None  
Ineligible: None  
Abstain: None  
Absent: Mr. Wasilishen

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

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