

**BOROUGH OF INTERLAKEN  
MINUTES- PLANNING BOARD  
SEPTEMBER 17, 2018 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 August 20, 2018 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 Menditto, Ms. Dalton, Mr. Tilton, Mr. Wasilishen, Ms. Heinz, Mr. Weaver

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

Absent: Ms. Gatsch

Late Arrival: Ms. Kane 7:33pm

UPON MOTION of Ms. Heinz seconded by Councilman Menditto, carried, the Board approved the minutes of August 20, 2018, 2018 meeting.

**ROLL CALL:**

In Favor: Councilman Menditto, Mr. Tilton, Ms. Dalton, Mr. Wasilishen, Ms. Heinz and Mr. Weaver

Opposed: None

Ineligible: Chairman Papp, Vice Chairwoman Umfrid and Ms. Kane

Abstain: None

An application had been presented to the Board at their August 20, 2018 meeting to construct a two-story addition, with bedroom and bath.

**BOROUGH OF INTERLAKEN PLANNING BOARD  
RESOLUTION WITH VARIANCES  
TO DAVID J. MARTOCCI (TRUST) AND WILLIAM KESSLER (TRUST)  
506 WINDERMERE AVENUE**

**WHEREAS, DAVID J. MARTOCCI (TRUST) AND WILLIAM KESSLER (TRUST)** hereinafter referred to as “Applicant”, are the owners of a certain property known as Block 10, Lot 25, on the official tax map of the Borough of Interlaken (“Property”), which Property is located at 506 Windermere Avenue in the Borough of Interlaken, County of Monmouth, and State of New Jersey; 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 dated May 8, 2018 indicating side setbacks are existing and non-conforming, and 4’ wall is not allowed; and

**WHEREAS**, Applicant is requesting approval for a second floor addition over the existing garage with a second floor balcony and deck, as well as a driveway expansion; and

**WHEREAS**, after proper notice, a public meeting on the within application was held on August 20, 2018 at the Interlaken Borough Hall; and

**WHEREAS**, the Board has considered the report of the Board Engineer, Peter R. Avakian P.E., P.P., dated June 28, 2018, 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 10, Lot 25 in the Borough of Interlaken, County of Monmouth and State of New Jersey.
2. The property is rectangular in shape, measuring 100 feet in width by 291 feet in depth. The property contains an area totaling 29,150 sq. ft.
3. The Applicant is requesting approval from the Planning Board for a second floor addition over the existing garage with a second floor balcony and deck. The plans or application do not indicate any proposed wall. The Applicant is also proposing a driveway expansion.
4. A denial from the Zoning Official dated May 8, 2018 has been received by the Applicant

indicating that the improvements require variance for side yard set setback. It also indicates a wall at 4 feet in height is not allowed.

5. The Property in question is located in the R-A Single Family Residential Zone of the Borough of Interlaken.

6. The minimum lot area permitted per the zoned district is 15,000 square feet. The existing lot area is 29,150 square feet, which conforms.

7. The minimum lot width permitted per the zoned district is 75 feet. The existing lot width is 100 feet, which conforms.

8. The minimum lot depth permitted per the zoned district is 150 feet. The existing lot depth is 291.5 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 Applicant is proposing a front yard setback of 109.57 feet to the second floor addition, which conforms.

10. The minimum side yard setback permitted per the zoned district is 15 feet. The existing west side yard setback is 7.9 feet, which represents an existing non-conformity. The existing east side yard setback is 7.3 feet, which represents an existing non-conformity. The Applicant is proposing an east side yard setback of 7.3 feet to the second floor addition, which is an expansion of an existing non-conformity, and requires a variance.

11. The minimum rear yard setback permitted per the zoned district is 30 feet. The Applicant is proposing a rear yard setback of approximately 125 feet to the second floor addition deck, which conforms.

12. The maximum building area coverage permitted per the zoned district is 25% of the lot area. The Applicant is proposing a building coverage of 10.8%, which conforms.

13. The maximum impervious surface area per the zoned district is 45%. The Applicant is proposing an impervious coverage of 30%, which conforms.

14. The maximum building height permitted per the zoned district is 35 feet. The Applicant is proposing a building height of 30 feet, which conforms.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of Interlaken that the application for variance approval pursuant to N.J.S.A. 40:55D-70(c)(2)(flexible “c” standards) be and is hereby approved, in that as to this particular Property the benefits of the proposed improvements will substantially outweigh any detriment of not granting said variances based on Applicant’s proofs including testimony that the proposed addition will provide for a more desirable visual environment, is aesthetically pleasing and will add architectural appeal to the neighborhood; and also based on that the relief can be granted without substantial detriment to the public good because there are no architectural or visual negatives caused by the proposed improvements, and the finding that the proposed 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. Applicant shall comply with the provisions of the Board Engineer’s letter report dated June 28, 2018.
- B. The plans shall be revised to indicate the height calculations as testified to at the hearing.
- C. 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.
- D. 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.
- E. 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.
- 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, 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 August 20, 2018.

The foregoing Resolution was offered by Ms. Heinz and seconded by Mr. Wasilishen and adopted on Roll Call by the following vote:

**ROLL CALL:**

In Favor: Acting Chairman Tilton, Ms. Dalton, Mr. Wasilishen, Ms. Heinz, Mr. Weaver  
Opposed: None  
Ineligible: None  
Abstain: Councilman Menditto, Ms. Dalton

The foregoing is a true copy of a Resolution adopted by the Planning Board of the Borough of Interlaken on the 17<sup>th</sup> day of September, 2018.

UPON MOTION of Ms. Heinz, seconded by Mr. Wasilishen, carried, the Board memorialized the application.

**ROLL CALL:**

In Favor: Mr. Tilton, Ms. Dalton, Mr. Wasilishen, Ms. Heinz, and Mr. Weaver  
Opposed: None  
Ineligible: Chairman Papp, Vice Chairwoman Umfrid and Councilman Menditto  
Abstain: None  
Absent: Ms. Kane (Late Arrival) and Ms. Gatsch

APPLICATIONS

622 Windermere Avenue, Block 10 /Lot 12, Abrams  
Complete construction on a shed

Mr. & Mrs. Abrams, Applicants, joined the table.  
Ms. Abrams was sworn in by Board Attorney Brown.

Ms. Abrams stated that her application was to complete the shed on her property.

Board Attorney Brown marked exhibits into evidence as follows:

- B-1 Letter from Board Engineer/Planner, Peter Avakian dated August 10, 2018
- A-1 Application and related documents including Zoning Denial and Zoning Application.
- A-2 Photos Packet
- A-3 Collective packet of elevations
- A-4 Photo Packet (a) Google map photo (b) photo of yard (c) photo with little girl
- A-5 Survey prepared by Marc J. Cifone dated March 30, 2018 which includes a photo of the house in the legend.

Ms. Abrams continued with her testimony. Ms. Abrams used photo A-4c to show there had been a shed on the property. The shed was there when they purchased the property. The shed became infested with ants and an animal borrowed underneath it. The roof was covered in moss and the wood began to crumble. It is used primarily as storage. There is no garage on the property.

Ms. Abrams stated that her grandchildren frequently visit and they wanted to get the old shed down and the new one up before the summer. Initially the plan was for an 8x12 shed. The shed marked on the survey is 64.75 impervious surface. The desire was to make the shed more in keeping with the home. Thomas Pinto designed the shed. It is an irregular sized lot, at less than the standard 15000 sq ft. It was already over impervious surface limits when the home was purchased. Putting the new shed in place of the old one adds approximately 0.05% to the impervious surface.

Chairman Papp questioned whether the contractor advised that construction permits were necessary and if Ms. Abrams when through the Zoning process.

Ms. Abrams stated that the contractor did not and the project was stopped, as soon as they were told to stop.

Board Attorney Brown referenced Board Engineer Avakian's letter, stating that this is a preexisting non-conforming lot which was over the impervious surface limit. The maximum coverage is 45%. The existing is 48.98% and the proposed jumps to 49.03%. The shed is in place already.

Ms. Abrams stated that the framing is in place.

Board Attorney Brown asked for clarification regarding the survey.

Ms. Abrams noted that the survey shows the previous shed. The new shed would be the same 4'6" to the edge of the shed, but it has been moved forward a bit. The newly built shed to the neighbors' property line will be slightly more than 5'. It is basically the same site. The old shed was slightly slanted and the new shed is straight. A new survey has not been done since the new shed had begun in March.

Board Attorney Brown referenced Mr. Avakian's letter's general comments section noting NJDEP requirements and noted that Ms. Abrams would be subject to those general provisions.

Ms. Abrams noted that the property is not in the flood zone.

Mr. Papp opened the floor to public questions.

There were no questions from the public for Ms. Abrams.

Mr. Papp opened the floor for public comment.

Ms. Jennifer Wentz of 614 Windermere Avenue, stated that she was a neighbor, not continuous, at the third house to the east of lake. Ms. Wentz was surprised that there was construction going on, and feels the structure does not look like a shed. There are two windows and a sliding glass door on the lake side. There are concerns that it is so close to the lake. The structure is very close to the bank. The DEP must do research regarding the project. It is awful that people do work without permits. Ms. Wentz feels our ordinances must be upheld, especially the Planning Board, if they are not, than Interlaken will change significantly.

Ms. Abram stated that the lot is irregular shaped. The preexisting shed was in place before the purchase of the property. The shed is not insulated and does not have electric service. The shed should be aesthetically pleasing from the lake side. It is going to have two stationary windows on top that are not openable. Below will be closed with shutters that can be opened to let light in when looking for things. There will be no window on the bottom, just a door.

Ms. Abrams referenced photo 1 to show the old shed. The bank is secured by plantings that they put in. There is overgrowth, as well. It is being left there so that there is no erosion. The plan is to put gutters on the shed. The rainwater will be directed to a perennial garden to the left of the shed.

Board Attorney Brown noted that Ms. Abrams was referencing A-2 to show the view from the lake side. The elevations from the contractor were referenced (A) East elevation (B) North Elevation (C) South elevation and (D) West elevation.

Ms. Dalton asked if there would be another survey showing where then new structure is now.

Ms. Kane noted that the new structure was in line with the structure next door.

Ms. Abrams stated that the survey was done in March and cost \$1,000. The entire process has cost more than the shed. The new shed is not any closer to the lake and it extends farther into her own property. The costs are concerning, as a property owner, especially with an irregular lot. The shed was already existing. All they are trying to do is replace a shed that was falling down.

Ms. Dalton noted that many lots within the Borough are non-conforming. Why would Ms. Abrams consider building something without permits? This is an actual construction project. It is more than replacing a shed.

Ms. Abrams stated that the shed is not on a foundation. The shed is on four cement blocks on each corner. If it was built soundly enough, it could be picked up and moved. Ms. Abrams stated that permits were not procured because she believed that it is a non-conforming lot and she believed it was grandfathered in. Ms. Abrams acknowledged that she was wrong about that and stated that the work stopped immediately upon receipt of the Stop Work Order. It has been sitting there for months not finished.

Mr. Tilton questioned Ms. Abrams' misunderstanding regarding permits. There is a Zoning Denial Letter dated March 4, 2018. The request to build the shed was denied. Mr. Tilton stated that the Board is composed of all neighbors who are all serving the community. The Board appreciates and tries to work with the applicants. Ms. Abrams made the decision to go ahead and build the shed after the denial which is what caused the hardship.

Ms. Abrams agreed that everyone should abide by the law and understands why that ordinance was put into place. Ms. Abrams would not want something that would destroy the character of the neighborhood. In fact, the shed enhances it. Ms. Abrams stated that the cost of the application to this point has been \$2,500.

Chairman Papp advised that a survey may be prudent to avoid future violation.

Ms. Heinz stated that she has been on the lake and is there frequently. The structure will match the house and there is no concern there. The concern is the proximity to the lake and DEP regulations. A survey should be done. There have been other applicants that have gone before the DEP, before coming to the Board.

Mr. Abrams was sworn in by Board Attorney Brown.

Mr. Abrams asked what the difference is between having a shed, having it fall down and one that has been replaced. Are you saying that the initial shed should not have been taken down? Where are we going with this?

Chairman Papp stated that the reason this application is before the Board is to discuss this and now it has drawn the attention to other matters that are of concern. Encroachment on the lake area is a concern.

Mr. Abrams stated that the old shed was doing the same thing.

Chairman Papp suggested that the Abrams be cautious regarding the DEP regulations.

Board Attorney Brown questioned exhibit A-2 view 5 to which Ms. Abrams agreed that the drawings prepared by the carpenter is an accurate representation of the end product.

Board Attorney Brown noted that the applicant would be bound by the drawings.

Board Attorney Brown asked questions that focused in on Photo 5 A2 regarding the shutters and the southern elevation of A3c.

Ms. Abrams stated that the drawings have since been altered from the initial design to let more light into the shed.

Borough Attorney Brown confirmed that what Ms. Abrams is proposing is now shown in photo 5 on A2. With that in mind all the other carpenter drawings are the same as those in the photos.

Ms. Abrams noted the only difference is that the siding and roof material have not been decided.

Board Attorney Brown noted that on A3a there are some details regarding the roof which notes synthetic slate to which Ms. Abrams agreed that was discussed.

Board Attorney Brown noted that there are details on the plan regarding the fascia.

Ms. Abrams stated that the decision has not been made. The construction was halted and the project did not go any further.

Chairman Papp stated that the application should indicate exactly what is being built.

Ms. Abrams commented that she was not aware that it would be such an overwhelming ordeal to replace a shed that is falling down. The shed cannot be seen from Windermere Avenue. It can be seen from the Ocean Township side.

Chairman Papp stated that the exterior materials need to be documented.

Vice Chairwoman Umfrid questioned the dimensions. The shed will be 12 x 12 x 8. The height is noted on the plans as 12'6" +/-.

Ms. Abrams noted that the top of the shed would be 12'6". It can be clarified on the plans.

Ms. Heinz stated that there is still the matter that the property, with the shed, will be over impervious coverage though there was a previous shed.

Mr. Weaver asked for the definition of impervious coverage.

Board Attorney Brown stated that from a layman's point of view it is structures and surfaces that you would think impervious. It would include driveways and walkways.

Mr. Weaver stated that the shed is not on the concrete bed and there is earth underneath. If it rains, the water will migrate underneath.

Board Attorney Brown noted that to be considered impervious surface, it does not require a foundation or a slab. Board Attorney Brown is almost positive that the shed is expanded. It is a non-conforming structure that is being expanded.

Mr. Weaver believes the water will percolate under the shed and is not concerned about the additional impervious surface coverage.

Board Attorney Brown noted that Mr. Weaver can receive guidance from the Borough Engineer regarding Impervious Surface details.

Ms. Abrams questioned whether putting the same size shed would have required a Planning Board application.

Board Attorney Brown stated that the same size shed would not be an expansion of an existing non-conformity of a structure.

Ms. Kane noted that the structure was there already and was not 50ft from the water and questioned if the new shed has to be 50ft from the water.

Chairman Papp stated that he is not sure that the grandfathered location would be acceptable with the DEP.

Board Attorney Brown noted that Board approval could be subject to the submission of a new survey.

Chairman Papp stated that the motion should include a requirement for a new survey and should also request that information be supplied regarding roof materials and siding that will be used as part of the motion.

Board Attorney Brown noted that, if someone does not want to vote until the survey shows what material is used. That is fine.

Ms. Dalton asked about the DEP requirements.

Board Attorney Brown noted that the approval could be subject to DEP approval.

Chairman Papp believes the matter of DEP approval should be included in the motion.

Board Attorney Brown suggested that Mr. Weaver speak to Board Engineer Avakian to clarify the definition of impervious surface. Borough ordinance 26.4 sets Impervious surface to be determined at ground level and applies to accessory structures.

Mr. Weaver made motion to close the hearing seconded by Mr. Tilton.

**ROLL CALL:**

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

Opposed: Vice Chairwoman Umfrid, Ms. Dalton and Ms. Heinz

Ineligible: None

Abstain: None

Chairman Papp closed the hearing.

Mr. Weaver made motion to approve variance referencing that DEP approval be in compliance and made comment that the property is of a quality that there will not be slipshod or skimping on construction. It is a minor issue, seconded by Mr. Wasilishen.

Mr. Tilton amended the motion to add that there is no water or living in the garage, seconded by Mr. Wasilishen.

**ROLL CALL:**

In Favor: Chairman Papp, Councilman Menditto, Mr. Tilton, Mr. Wasilishen, Mr. Weaver and Ms. Kane

Opposed: Vice Chairwoman Umfrid, Ms. Dalton and Ms. Heinz

Ineligible: None

Abstain: None

Board Attorney Brown noted to Ms. Abrams that the resolution will be memorialized at the next meeting and that there will be a 45 day period where an appeal may be filed and any construction during that time is at the risk of the applicant.

Mr. & Mrs. Abrams thanked the Board and left the meeting.

23 Scarba Street, Block 14 /Lot 1.02, Blasucci & Breszin  
Addition of second story addition over an existing non-conforming porch.

Mr. Tilton and Ms. Dalton are property owners within 200ft of the applicant. Both left the table at this time.

Mr. Blasucci, Applicant, and Ms. Krenkel, Attorney for the Applicant and Mr. Walker, Architect for the Applicant, joined the table.

Board Attorney Brown sworn in Mr. Blasucci, applicant and Mr. Walker, Architect for the applicant. Board Attorney Brown marked the evidence as follows:

- B-1 Letter from Avakian 8/10/2018
- B-2 Initial letter from Board Engineer/Planner, Peter Avakian
- A-1 Application submitted by Applicant.
- A-2 Photo packet consisting of 8 photographs Ms. Krenkel has photo submission containing 8 photographs 1/8 A2a, 2/8 A2b, 3/8 A2c, 4/8 A2d, 5/8 A2e, 6/8A2e, 7/8A2f, 8/8 A2g
- A-3 Zoning map
- A-4 Rendering of project site when complete
- A-5 Real Estate Listing
- A-6 Plans prepared by Joseph J. Walker, III dated 10/19/2017
- A-7 Survey prepared by Charles Surmonte dated 7/31/2015
- A-8 Architectural Plans prepared by Mr. Walker dated 10/25/2018 4 sheets A1-A4
- A-9 Elevation sheet prepared by Joseph J. Walker dated 07/18/2018

It was noted that the display boards that Mr. Walker would be referring to were larger copies of previously submitted and marked plans, not new material.

Mr. Walker stated that he received his Arts and Sciences degree from the University of North Carolina. Mr. Walker has a Bachelor of Architecture from the same school and was licensed in 2010. Mr. Walker has testified before Planning and Zoning Boards in Spring Lake, Bay Head, Ocean Township, Neptune, Summit and Point Pleasant.

The Board accepted Mr. Walker's credentials.

Mr. Walker referred to the first page of the photo hand out of the front elevation. The house is a two-story Dutch colonial. The house and yard are well maintained and well landscaped. The existing first floor plan is 1,552sqft. The existing second floor is 1,082sqft. The total building area measured at the exterior face of the exterior wall is 2,6045sqft as preexisting. An additional 362sqft are being proposed at the second floor.

Mr. Walker stated that the challenges are due to the non-conforming lot. There are no perpendicular lines at the corners. There is a challenge with setbacks. It is an L-shaped lot. The reason the Zoning Map is included to show how the east west streets are not parallel with one another. It creates some non-90 degree challenges. It also indicates how the center lines between the streets become the rear property lines on the east/west streets. There is an L-shaped condition on the rear of the east and west street. This lends to the challenges with buildable area. The aerial photograph indicates were the properties sit compared to one another. The subject property is set back farther from the adjacent structures. Immediately adjacent to the north is a garage. The garage is the only thing that steps behind the structure.

Mr. Walker reviewed the drawings describing the interior. The front is not currently a porch. It is an enclosed insulated heated space.

Mr. Walker referred to the deck and noted that a change to the stair is being proposed.

Mr. Walker used exhibit A-3 to describe the proposed second floor addition. The majority of the second floor addition is set back from the floor below. Introducing a similar feature on the original house and the dormer, it will be set back 2ft 6.5 inches from the wall below. This will not impact the building coverage and allow more square footage for more modern amenities. The addition is being put over an area that is already in violation, instead of creating new violations. Mr. Walker pointed out details on each of the elevations, noting that the roof lines will be the same as the existing two-story element, which creates a balanced façade street scape.

Mr. Walker stated that this is an existing non-conforming lot at 10,979sqft where 15,000sqft is required. Mr. Walker noted a minor correction on the width. The existing is listed as 52.68ft. To be clear the rear is 52.68ft. The front is 57.12ft. The center has bottleneck. The minimum width is 45.5ft, not the 52ft that is referred at the rear. The lot depth is 2,023ft where 150ft is required.

Mr. Walker stated that at the side yard setback, the addition is stepping away from the side yard slightly more than the first floor exterior walls. The existing is 4.7ft in the front. In the rear it is 4.5ft. The proposed side yard setback at the front is 5.6ft at the addition and 5.4ft at the rear for the addition. The front yard setback required is 50ft. The existing two-story structure is at 41.8ft. The southeast corner is 40.1ft.

Mr. Walker referenced A-1 that includes a setback analysis that is prepared by Mr. Walker by using a tape measure from the curb. There is a minor margin of error. Due to the radial arrangement of the non-parallel streets, there is a break in the curb, as well as the property line. It starts at the southern end of the frontage of the subject property. The survey includes a 40ft right of way. The 40ft right of way turns with the curve that is not documented by a surveyor. Starting with property to the north, the dwelling and the garage are 51ft from curb. There is a consistent distance from curb to property line of 8ft. This creates a projected setback of the adjacent properties to give an average setback. The principle structure on the corner lot is closer. The house is closer than that at the property at 41 Scarba Street. At the south, it is measured 36.5ft to curb and 28.5ft to property line. The corner property to the south of the dwelling is 37.5ft to the curb. Taking the average of four buildings including the one garage, brings the average setback farther than for just the three buildings at 33ft. The average including the garage is 33ft. The rear setback does not come into play. No amendments are proposed to that area. The intent of the

location of the addition is that it is over the existing footprint and does not exacerbate existing building coverage. The building coverage is under what is permitted. The maximum permitted is 25% and the project will remain at 18.68%

Mr. Walker noted an additional correction on the plans. The minimal usable floor area measurement listed at 2,834sqft is incorrect. The existing is currently 2,834sqft. The existing first floor is 2, 635. 2,997sqft is proposed for the second floor. The total is less than 3,000sqft for building measure to the outside face of the exterior walls. The building height maximum is 40ft. The existing is measured to grade at 28.33ft. Measured to crown of road, the existing measurement is 30.2ft. The proposed is slightly lower at 28.6ft which is much lower than the 40ft maximum.

Mr. Walker stated that the only impact to the lot coverage is the one rear stair. The lot coverage will be reduced by 0.87sqft. The existing is 58.99% and the proposed is 58%. It is a minimum reduction. There is no added building or lot coverage on the application.

Mr. Walker stated that the non-conforming, irregular shaped lot, limits the ability to add to the other side and the rear.

Mr. Walker stated that the application may involve both a C1 and C2 Variance. In addition to the irregular lot shape, the 50ft setback significantly limits where a proposed addition can be. The side yard proposed change is less of a violation than what exists on the first floor. A rendering presents that the addition is within character of the neighborhood and starts to present evidence towards the benefits of the variance would outweighing any detriment.

Chairman Papp noted that Mr. Walker's presentation was thorough and asked the Board Members for questions of Mr. Walker. There were none.

Chairman Papp opened the floor to the public for questions to Mr. Walker. There were none. Chairman Papp closed the floor.

Board Attorney Brown noted that there were public present, but no questions.

Ms. Krenkel noted that the applicant will not testify, unless the Board has questions for him.

The Board did not have questions for the applicant.

Chairman Papp opened the floor for public comment.

Mr. Weaver made motion to close the hearing, seconded by Mr. Wasilishen, carried by roll call.

#### ROLL CALL

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

Opposed: None

Ineligible: None

Abstain: Mr. Tilton and Ms. Dalton

Absent: Ms. Gatsch

Chairman Papp stated that the presentation by Mr. Walker was very comprehensive.

Vice Chairwoman Umfrid complemented the design and stated that she appreciates the setback of the addition. Ms. Heinz agreed.

Mr. Walker stated that any sidewalks damaged during construction will be repaired.

UPON MOTION of Mr. Weaver, seconded by Mr. Wasilishen, carried the application as a C2 variance.  
ROLL CALL

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

Opposed: None

Ineligible: None

Abstain: Mr. Tilton and Ms. Dalton

Absent: Ms. Gatsch

Chairman Papp made note to applicant that they be sure to adhere to the variances granted and the plans approved by the Board.

Mr. Blasucci, Ms. Krenkel and Mr. Walker thanked the Board and left the table.  
Mr. Tilton and Ms. Dalton rejoined the table.

The Board discussed the matter of Invasive Plant Species throughout the Borough.

Mr. Wasilishen stated that instead of wasting money on putting an ordinance in place, a pamphlet can be sent to residents informing them of these species. Many people do not know what they are. Mr. Wasilishen also questioned who would be enforcing the ordinance. Is Code Enforcement going to go to school to identify the plantings? Mr. Wasilishen thinks that at \$2,000 fine per day is excessive.

Councilman Menditto stated that he has issues with plants coming from the neighbor's yard and he takes care of it within his property. Councilman Menditto feels it would be an over reach of the Planning board and Government to enact such an ordinance and agreed that the \$2,000 per day fine was excessive. Would it be up to Code Enforcement to determine property lines?

Mr. Wasilishen believes there is one bamboo fence in town and no one has complained. Maybe they like having it there.

Ms. Dalton noted that the Invasive Species cannot be purchased.

Mr. Weaver believes that the Borough does not need another ordinance that no one is going to chase after.

Ms. Heinz stated that her neighbor's invasive species goes 10ft onto her property. It is coming up underneath the fence. If it is not taken care of Ms. Heinz is going to have to use chemicals to get rid of it. It is more prolific then ever due to the heat. It is all around town and all around the lake. It would be prudent to have an ordinance to control this within the Borough.

Mr. Weaver noted that the Borough is the biggest offender.

Ms. Heinz stated that the Borough is taking courses and trying to mitigate it.

Ms. Dalton stated that the Japanese Knotweed is extremely hard to get rid of.

Ms. Kane feels that it would not be fair to issue fines of \$2,000, if it is difficult to control.

Ms. Dalton stated that these species replace the natural environment for the migrating birds. Some plants like Japanese knotweed and Russian olive take over. They are outrageously invasive.

Ms. Kane agreed that it would be smart to send something out to educate the residents. The Board should assume that everyone will want to do the neighborly thing.

Ms. Dalton agreed that the public needs to be educated.

Chairman Papp noted that the Board seems to be inclined to educate rather than go forward with the ordinance.

Ms. Dalton does not believe it would be read on the website and suggested an amendment to the Shade Tree Ordinance. Plantings should not impact your neighbor, no matter what the species.

Chairman Papp asked if a mailing to the Borough from the Shade Tree to advise the Borough regarding the invasive species would be appropriate.

Ms. Dalton stated that there should be a booklet with Borough Ordinances.

Ms. Kneser advised that she notifies new residents regarding the trash schedule, the other ordinances and the importance of the tree canopy.

Vice Chairwoman Umfrid stated that even English Ivy is invasive and she agrees with Ms. Heinz. Bamboo is a problem. The plants have runners that are difficult to control and has seen difficulties at her parent's house.

Chairman Papp stated that he believes the Board would like a newsletter go out and asked if the Shade Tree Commission would take on the task.

Ms. Dalton agreed that the Shade Tree Commission would put something together for a mailing.

Ms. Heinz commented that you cannot sell your home in California, if Japanese Knotweed is on the property.

The Board had a brief discussion regarding enforcement by the Zoning Officer in reference to applications that have been before the Board to ensure that the approval is being followed.

Ms. Dalton stated that applicants should be aware that the Board is listening to the application in good faith and what is approved should be adhered to.

Chairman Papp noted that there will be a general statement after each application to forewarned of the consequences of Planning Board approval variations. If there is no approval for the changes it may have to be removed.

Ms. Heinz stated that she believed that the Board was going to Council to ask them about the Zoning Officer only being at the Borough for one hour a week.

The Board had a brief discussion regarding the need for additional Zoning Officer enforcement of the Planning Board approvals.

The Board agreed that Chairman Papp and Councilman Menditto, the Council Liaison, will informally meet with the Mayor to discuss Zoning Enforcement.

Ms. Kneser advised the Board in reference to the inquiry last month regarding the barrels on the circle. The barrels are there until the landscaping is complete. The County has placed them there to prevent drivers from driving over the circle. There is evidence that it has already happened more than once. The Borough and the County are working to determine the maintenance responsibilities for the circle.

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  
Ms. Heinz, Mr. Weaver and Ms. Kane

Opposed: None

Ineligible: None

Abstain: None

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

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