

**BOROUGH OF INTERLAKEN
MINUTES- PLANNING BOARD
SEPTEMBER 16, 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 September 16, 2019 at 7:38 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, Ms. Heinz and Mr. Weaver

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

Absent: Mr. Wasilishen, Ms. Gatsch, Ms. Kane and Mr. Wentz

UPON MOTION of Vice Chairwoman Umfrid, seconded by Mr. Menditto, carried, the Board approved the minutes of August 21, 2019 meeting.

ROLL CALL:

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

Opposed: None

Ineligible: Mr. Tilton

Abstain: Councilman Butler

MEMORIALIZATION

503 Bendermere Avenue/Butler

**BOROUGH OF INTERLAKEN PLANNING BOARD
RESOLUTION FOR VARIANCE APPROVAL
TO JOHN BUTLER, 503 BENDERMERE AVENUE**

WHEREAS, JOHN BUTLER, hereinafter referred to as “Applicant”, is the owner of certain property known as Block 23, Lot 17, on the official tax map of the Borough of Interlaken (“Property”),

which Property is located at 503 Bendermere 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, Applicant seeks to convert an existing garage with an upstairs bedroom into a family room with upstairs bedroom, and the construction of a detached garage; and

WHEREAS, a denial from the Zoning Official has been received by the Applicant dated May 21, 2019 indicating that the improvements require a variance for height, story and side setback for the detached garage; and

WHEREAS, Applicant is requesting approval for the construction of a detached garage; and

WHEREAS, after proper notice, a public meeting on the within application was held on August 19, 2019 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 July 30, 2019, 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 23, Lot 17 on the current tax map of the Borough of Interlaken, County of Monmouth and State of New Jersey.

2. The property is rectangular in shape and measures 100 feet in width by approximately 216 feet in depth, with an area totaling 21,579 sq. ft.

3. The home, which was built in the 1930's, currently has an upstairs bedroom that can only be accessed by going through the garage and that structure does not meet modern fire standards for bedrooms above garages.

4. The Applicant proposes converting the current garage to a family room with upstairs bedroom, and correcting fire code deficiencies.

5. The Applicant is requesting approval from the Planning Board for the construction of a detached garage.

6. A denial from the Zoning Official has been received by the Applicant indicating that the improvements require variances for side yard setback, number of stories for an accessory structure, and height of an accessory structure.

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

8. The minimum lot area permitted per the zoned district is 15,000 square feet. The existing lot area is 21,579 square feet, which conforms.

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

10. The minimum lot depth permitted per the zoned district is 150 feet. The existing lot depth measures 215.81 feet, which conforms.

11. The minimum setbacks for an accessory structure (detached garage) are 5 feet from the rear and side lot lines. The Applicant is proposing a side yard setback of 11 feet and a rear yard setback of 56 feet. Both of these setbacks confirm.

12. The maximum building height for an accessory structure (proposed detached garage) is 15 feet and shall not exceed 1 story. The Applicant is proposing a building height of 29.25 feet with 1.5 stories. A variance is required for each. Applicant provided testimony that because of the grade of the Property, the maximum height allowed would only be slightly higher than the garage doors and would not be compatible with the existing Tudor architecture, which style of architecture is sought to be retained, the Board finds acceptable.

13. Applicant also provided testimony on the use of the half story of the proposed new garage structure and provided an architectural floor plan of the half story, which is to be used for storage only, have a pulldown staircase, and no plumbing for a kitchen, bath or other use, and which conditions, restrictions and specifications the Board find acceptable.

14. 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 55.9 feet, which conforms.

15. The minimum side yard setback permitted per the zoned district is 15 feet. The existing west side yard setback is 40.8 feet, which conforms. The existing east side yard setback is 7.1 feet, which represents an existing non-conformity.

16. The minimum rear yard setback permitted per the zoned district is 30 feet. The existing rear yard setback is approximately 90 feet, which conforms.

17. The maximum building height permitted per the zoned district is 35 feet. The existing building height of the principal dwelling is 33.12 feet, which conforms.

18. The maximum building area coverage permitted per the zoned district is 25% of the lot area. The existing building coverage of 10.25%, which conforms. The Applicant is proposing a building coverage of 13.66%, which conforms.

19. The maximum impervious surface area per the zoned district is 45%. The existing impervious coverage is 31.15%, which conforms. The Applicant is proposing an impervious coverage of 34.78%, which conforms.

20. The existing shed shall have a minimum setback of 5 feet from the side and rear property lines. The existing shed has a side yard setback of 13 feet, which conforms. The existing shed has a rear yard setback of 10 feet, which conforms.

21. Applicant provided testimony as to the trees that need to be removed, which testimony was satisfactory to the Board.

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” standard) be and is hereby approved, in that as to this particular Property the benefits of the deviation will substantially outweigh any detriment of not granting said variance based on Applicant’s proofs that sufficient reasons exist for the same, including that the improvements are aesthetically pleasing; 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 detached garage 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 a proposed deed with a restriction of the half story above the proposed detached garage as storage only, without plumbing, as detailed in this Resolution and subject to the approval of the Board Attorney, after which the Deed shall be executed and filed by the Applicant with the Monmouth County Clerk’s Office with a copy provided to the Borough Clerk, all before the Borough will issue any final approvals for the permitted construction approved in this Resolution.

B. The storm water runoff from the proposed detached garage shall be directed towards Bendermere Avenue.

C. The Applicant shall provide a current survey of the property.

D. Any heritage tree(s) removed for the construction of the proposed detached garage shall be replaced.

E. The plot plan should be revised to add a general note indicating that the existing curb and sidewalk along the frontage will be replaced if found in poor condition.

F. 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.

G. 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.

H. 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.

I. Compliance with the requirements of all governmental agencies having jurisdiction over

the development of the Property.

J. 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 19, 2019.

The foregoing Resolution was offered by Ms. Heinz and seconded by Vice Chairwoman Umfrid and adopted on Roll Call by the following vote:

ROLL CALL:

In Favor: Chairman Papp, Vice Chairwoman Umfrid, Ms. Dalton, Mr. Menditto, Ms. Heinz and Mr. Weaver
Opposed: None
Abstained: None
Ineligible: Chairman Butler and Mr. Tilton, Mr. Wasilishen, Ms. Gatsch and Mr. Wentz
Absent:

The foregoing is a true copy of a Resolution adopted by the Planning Board of the Borough of Interlaken on the 16th day of September 2019.

UPON MOTION of Ms. Heinz, seconded by Vice Chairwoman Umfrid, carried, the Board memorialized the application.

ROLL CALL:

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

Chairman Papp began a discussion regarding Land Use Continuity by suggesting that the Board stay away from the topic of Historical Preservation, as it is a hot button issue and other municipalities who have taken

this approach have been sued.

Chairman Papp would like the Board to take a different approach regarding this matter and referenced the Master Plan of 2006's goal to prevent overdevelopment that has the potential to create significant aesthetic and environmental impacts on the Borough.

Chairman Papp used the example of a detached garage, believing the ordinance should state that the garage can only be used as a garage. No bathroom, living space or kitchen can be added.

Chairman Papp suggested the Board should consider creating or enhancing current ordinances that control how the Borough looks now and consider how these ordinances can be updated to control how the town looks today and in the future. Chairman Papp asked the Board to think about it for the next meeting, so that the Board can present recommendations to Council in the future.

Ms. Heinz asked about lot coverage and oversized garages.

Board Attorney Brown stated that, during his experience with the Board, the Board has experienced these types of issues. There have been some changes to the ordinances, but apparently not enough. Board Attorney Brown stated that Mr. Papp's comments regarding Historical Preservation were well said. Board Attorney Brown is also the representative for Loch Arbour and there is litigation going on there right now. There are a lot of steps that must be taken. A previous Chair of this Board was an architect and focused on Historical Preservation at that time.

Board Attorney Brown noted that there may be good reason there have not been massive changes to the ordinances. There are ways things can be changed. One of the things that can be tightened up is definitions. A garage, for example, specifically says you cannot use for occupancy. Many ordinances have hidden protections.

Chairman Papp noted to the Board that anything the Board comes up with for desired changes would take the long haul. It would have to be presented to Council and they would mull it over. It could take a year or longer. Mr. Papp thinks it should be started.

Board Attorney Brown stated that procedurally, in the past, the Board has brought in an independent planner, Jim Higgins. Since that time, the Borough Engineer's office has developed a Planning Department within his office. The Board may want to take it to that office.

Chairman Papp stated that he plans to schedule a meeting with the Mayor. The review of the ordinance process may cost money for professionals.

Vice Chairwoman Umfrid offered that the Board consider an ordinance regarding Floor Area Ratio. A floor area ratio ordinance would prevent large wall, square buildings.

Board Attorney Brown stated that the Floor Area Ratio subject has come up periodically in the past and for some reason never got to final.

Chairman Papp pointed out that the Floor Area Ratio was brought up in the 2006 Master Plan.

Board Attorney Brown noted that Board Engineer Avakian represents many smaller communities and is very cognizant of changes that could be implemented to cut down on the “McMansion” issues that this Board has talked about.

Ms. Dalton asked about the subject of lot consolidation.

The Board had a brief discussion regarding lot consolidation and sub-divisions.

Chairman Papp asked about the on-street overnight parking ordinance.

The Board had a brief discussion regarding on-street overnight parking.

Board Attorney Brown stated that on-street overnight parking would be a code enforcement provision.

Board Attorney Brown reviewed the process regarding ordinance approvals.

Chairman Papp asked that Board members send additional considerations to Board Secretary Kneser to be discussed at the next meeting.

Board Secretary Kneser stated that she spoke to William Schmelling, Executive Director, of the Township of Ocean Sewage Authority, regarding the landscaping/irrigation plan. Mr. Schmelling has been traveling and will arrange a meeting with the designated Board members upon return.

Ms. Dalton stated the current plan has an overabundance of trees, which may block the lake views.

Chairman Papp asked that the irrigation issue be addressed during that meeting.

The Board had a brief discussion regarding the current state of the planting in the area of the circle and the significant need for irrigation.

Chairman Papp opened the floor to public comment.

Mike Mulhaul, 101 Grassmere Avenue, asked the Board questions regarding the enforcement of granted variances. What is done to ensure that the variance is adhered to.

Chairman Papp stated that the Borough has a Construction Official to make inspections.

Board Secretary Kneser, also the Borough Construction Secretary, explained the process for Construction Permits that include a variance, noting that the plans are approved by the Zoning Official upon submission.

Laura Mulhaul, 101 Grassmere Avenue, asked follow-up questions regarding a specific instance and stated that it does not make good neighbors for the Borough to rely on neighbors reporting non-compliance.

Board Attorney Brown noted that Ms. Mulhaul's specific circumstance was a code issue. It is not one that was before this Board and the Board cannot discuss the matter. Board Attorney Brown referred Ms. Mulhaul to Borough Council, as the matter would be their jurisdiction.

Board Secretary Kneser noted that the Zoning Officer was Frank DiRoma and his hours are on Monday evenings.

Ms. Mulhaul noted to the Board that restoring her house is the priority. The house is being restored and needs new windows. The driveway will be expanded, but it is not the priority when they are trying to restore the first house in Interlaken. Ms. Mulhaul is very interested in historic preservation.

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

ROLL CALL:

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

Opposed: None

Ineligible: None

Abstain: None

Approved: _____
Mr. Papp, Chairman

Attest: _____
Gina Kneser, Secretary