

**BOROUGH OF INTERLAKEN
MINUTES- PLANNING BOARD
AUGUST 17, 2020 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 August 17, 2020 at 7:30 p.m. in the Borough Hall.

The meeting was held via Zoom.

Chairman Papp opened the meeting, and read the following Sunshine Statement: *“THE NOTICE REQUIREMENTS OF THE OPEN PUBLIC MEETINGS ACT HAVE BEEN SATISFIED BY FORWARDING NOTICE TO THE ASBURY PARK PRESS AND THE COASTER THAT THERE WOULD BE A VENUE CHANGE TO THE REGULARLY SCHEDULED MEETING HELD ON AUGUST 17, 2020 AT 7:30. THE MEETING WAS MOVED FROM THE BOROUGH HALL, 100 GRASSMERE AVENUE LOCATION TO BE HELD VIA ZOOM CONFERENCE UNDER THE GOVERNOR’S EXECUTIVE ORDER 107. A COPY OF THE NOTICE IS POSTED ON THE OFFICIAL BOROUGH WEBSITE WITH FULL DIRECTIONS ON HOW THE PUBLIC CAN ATTEND AND MAKE COMMENT AT THE MEETING. ALSO, A COPY WAS PLACED ON THE DOOR AT BOROUGH HALL AND IS ON FILE IN THE BOROUGH CLERK’S OFFICE.”*

IT IS DEEMED THAT THIS HEARING IS BEING HELD THROUGH ELECTRONIC COMMUNICATION. SHOULD THERE BE ANY DISCONNECT OR FAILURE OF TECHNOLOGY, THE MEETING WILL BE CONSIDERED ADJOURNED. THE APPLICATION FOR 10 BRILDEMERE AVENUE WHICH IS ON THIS AUGUST 17, 2020 AGENDA WILL AUTOMATICALLY BE CARRIED TO THE NEXT REGULARLY SCHEDULED INTERLAKEN PLANNING BOARD MEETING, WHICH IS SCHEDULED FOR SEPTEMBER 19, 2020 AT 7:30PM. ADDITIONAL NOTICE WILL NOT BE REQUIRED.

These announcements were followed by the Pledge of Allegiance.

ROLL CALL:

Present: Chairman Papp, Mayor Nohilly, Councilman Butler, Mr. Tilton, Ms. Dalton, Mr. Wasilishen, Ms. Heinz, Mr. Weaver Ms. Kane Mr. Wentz and Ms. Kapp

Late Arrival: None

Also Present: Planning Board Attorney Sanford Brown, Borough Engineer/Planner Peter Avakian and Planning Board Secretary Gina Kneser

Absent: Mr. Franks

UPON MOTION of Councilman Butler seconded by Ms. Kane carried, the Board approved the minutes of May 18, 2020 meeting.

ROLL CALL:

In Favor: Chairman Papp, Councilman Butler, Ms. Dalton, Ms. Heinz, Ms. Kane and Mr. Wenz

Opposed: None

Ineligible: Mayor Nohilly, Vice Chairwoman Umfrid, Mr. Tilton, Mr. Wasilishen, Mr. Weaver and Ms. Kapp

Abstain: None

Absent: Mr. Franks

Board Attorney Brown noted Interlaken is combined function as Board of Adjustment. For matters before the Board of Adjustment, unless there is a site plan usually for a subdivision which can be commercial or residential. Matters for bulk variances go before the Board of Adjustment.

Ms. Krimko, attorney for the applicant, agreed stating that normally for a combined board, such as Allenhurst and Loch Arbour, the combined board acts on all matters whether it be in planning capacity or zoning capacity. When there is a use variance or a D variance, that is when there is a class A and the Mayor must step off. So, although the combined board is acting in the capacity as the zoning board it is my opinion that all the members of the board would vote, because there is a super majority there.

Ms. Kane recused herself of the application, at this time, as she is related to the applicant.

Board Attorney Brown noted that there is an objector to the application.

Ms. Krimko asked to make a point of order that any objections be limited solely to the variance relief as it applies to the relief being sought before the Board tonight. Everything raised in the objection are enforcement issues for the Borough and not appropriately before this Board.

Board Attorney Brown stated that he understands the position in the presentation of affirmative action. If there are objections to relevance Ms. Krimko should raise them and Board Attorney Brown will make recommendation to the Board.

Board Attorney Brown welcomed and swore in Mr. Mulhaul, 101 Grassmere Avenue and Ms. Mulhaul, 101 Grassmere Avenue.

Mr. and Mrs. Mulhaul confirmed their understanding and approval that there would be nine members voting and that Ms. Krimko would need five of nine votes for approval.

Ms. Krimko took a moment to familiarize herself with the Board members in attendance, noting that Councilman Butler is serving as the Council Representative.

Board Engineer/Planner Avakian reviewed his report dated August 3, 2020.

Board Engineer/Planner Avakian stated a report normally gives description of project, identifies exhibits submitted as part of the application and then goes on to identify zoning and land use issues, as well as provides comments on the site itself. With this application there was a nine-sheet set of architectural plans dated June 10, 2020 revised though August 4, 2020. The revision accommodated some of the

questions that had specifically asked with regard to the accessory structure height and quantified where it was measured from. The survey of property by Widdis was submitted. It is dated March 27, 2020, with no revisions. The parcel is located at 10 Bridlemere Avenue, Lots 3 & 4/Block 18. It is located on the southwest corner of Bendermere and Bridlemere Avenues. The acreage is 13,016sqft. The applicant is requesting approval from this Board for a rear two-story addition to the existing dwelling and a new, two-story, detached garage. A denial from the Zoning officer was submitted and indicated that the propose detached garage requires a variance for the building height in feet and also the number of stories. The property is located in the R-A single family residential zone. Single families are permitted. The detached garage is a permitted accessory use. The minimum lot area is 15,000sqft which represents a typical dilemma that this Board has. The existing lot area of 13,016 sqft is less than the minimum required area in this zone. It is an existing non-conformity. We note that in the architectural plan a lot area greater than the survey was used of 13,338sqft. The applicant should resolve that discrepancy because it played in how they calculated their coverages. The building and lot coverage were different than our coverages because they used the greater lot area. The lot width complies. The lot depth represents an existing non-conformity. The minimum lot depth is 150ft. The applicant indicated the lot depth of 148ft, but that was not quite calculated correctly. It should be the mean width of the lot and should be 138ft. So, it is less than is required for the zone, but it is an existing non-conformity running with the property. Minimum front yard setback is 50ft. There is an exception in our ordinance that no building shall be nearer to the street than the average alignment of the existing buildings within 200ft on either side of the lot within the same block. This is a corner property. The applicant did not provide an average alignment and we are using the existing front yard setback of 19.4ft along Bridlemere Avenue and 16.9ft along Bendermere Avenue to be existing non-conformities. An addition over the existing dwelling with setback to that is not provided but it does require a variance because it is less than 50ft from the frontage of the street. That is the first variance that is not a non-conformity. The minimum side setback is conforming. The minimum rear yard setback is conforming. As are the building area and maximum impervious coverage. The building coverage is calculated by our office is 18.1% of the lot size and the maximum building area for this zone is 25%, so it is below the maximum. The maximum impervious coverage which includes everything: the dwelling, the driveway, any recreational facilities walkways, and anything that is impervious is calculated by our office to be 37.1%, whereas 45% is the maximum allowed. Both coverages are below the requirement by ordinance. The accessory structure requires a minimum setback of 5ft from side and rear property lines and the proposed detached garage does have 5ft setback from rear and 12.8ft setback to the side yard. Both setbacks conform. The variances associated by the accessory structure are exactly as identified in the zoning officials report. The maximum building height for an accessory structure is 15 ft. That is measured from the street level to the highest point of the roof. These plans were revised by the architect. Referring to page 8501 revised though August 4, 2020. It shows the street level elevation and the building height of 25 ft above street level. 15 ft is max height allowed by our ordinance. Only one story is allowed, and the applicant is proposing two stories to the accessory structure. Those are two variances along with the front setback to the two-story addition. There are three variances associated with the application. The permitted setback for a driveway is 5ft from the property line. It is noted that the driveway actually runs through a basketball half court that is directed to the proposed two-story garage. The office had two questions. What was the basketball court thickness of the asphalt? Is it satisfactory to carry vehicular traffic? The second questioned the indication on the plans that they fully intend to comply with the property line setbacks from the driveway and the basketball half court moving those facilities away from the property line by more than five feet. A couple of additional questions that were identified under general comments included identifying a circle between the proposed garage and the basketball half court on the architecture plans, providing testimony any improvements require tree removal and some other general notes on conditions of the improvements on this site.

The report was marked into evidence as B-1.

Ms. Krimko began remarks stating that the applicant's application is rather simple. It is a two-story addition to two-story home following the line of the existing structure. The addition, while it does not meet the 50ft setback and therefore exacerbates this vertically, it does in fact sit far behind the closest portion of the structure to the Bendermere property. Notwithstanding the fact that the lot area is under what the minimum is. The application is able, not only to meet setbacks, but actually exceed them in both instances. There were some mistakes with regard to coverage and the applicant will most certainly submit revised plans, making sure the plans match the Board Engineer's numbers, based on a survey. Whether you look at the Engineer's numbers or the applicant's numbers, the applicant is significantly under the allowable coverage. What the Board is going to hear is really a justification for the front yard setback for the addition. It is very obvious in that the applicant is just building over the existing house. I could not be cut back and maintain the architectural distinction of such a beautiful historic house in town. Importantly the Board will hear why the applicant's position is that the two-story garage at 25ft, as measured from the road, or 23ft 1" d measure from grade is a better zoning alternative, than a much larger garage with a larger footprint, with greater coverage that is less architecturally impressive and incompatible with the historic structure that is allowed much closer to the property line.

Ms. Krimko noted that there is a circle on the Widdis survey that was submitted to the Board Engineer. That circle indicates a 53" tree, which is not on the architectural plans.

Board Engineer Avakian stated that it is a 54inch maple. The Board should understand that the comment made in the report represents an existing tree. It is not indicated to be removed. That may be the reason it is shown on the drawing.

Krimko that is the reason it is shown on the drawing. It is recognizing that it is a heritage tree and those trees are protected under the Borough ordinance. Those plans were long in design before that ordinance was adopted and it has always been the intention of this applicant to save that tree. That is why, while the applicant is allowed to have a setback of 5ft from the southern property line, the Board will see that the corner of the garage is actually setback 12ft 8", purposefully, so as to keep that tree. The architect will testify to the type of foundation for the garage and whether it will have any impact to the root system of the tree and the survival of the tree. Ms. Krimko stated that she was referencing what the Borough Engineer had referenced in A-1, architect plan revised to June 10, 2020 and A-2 the survey revised through March 27, 2020.

Daniel Condatore, architect for the applicant, was sworn in by Board Attorney Brown and stated that he was a licensed architect in the State of New Jersey and was submitted as an expert.

Mr. Mulhaul stated that there was no objection to Mr. Condatore being submitted as an expert.

Mr. Condatore shared the screen showing page Z100 of A-1 which shows proposed site plan.

At this time, 7:50pm, the meeting communication was lost.

Meeting communication resumed at 8:20pm using the original meeting number and password, as noticed for the original meeting. Roll call was taken.

It should be noted that the number of attendees for the meeting when it resumed was the same as the original number of attendees before the disconnect. The same attendees were present, though Mr. Weaver was not able to rejoin until after some of the following testimony was completed.

Mike and Laura Mulhaul, 101 Grassmere Avenue, were confirmed in attendance at this time.

Mr. Condatore continued with the exhibit by sharing the screen using A-1.

Mr. Condatore testified that a portion of the basketball court had been in violation of the 5ft setback. The court has been moved and the zoning violation has been resolved.

Mr. Condatore stated that the house is setback on Bendermere Avenue 16.9ft. The addition is going to be the main portion of the structure to the rear or west. It is much further back than what is existing at 29.9ft. The main gable will be extended back to the west.

Mr. Condatore testified that the house was constructed in the late 1800s. It is a Victorian style of the stick variety. The attributes of that type of architecture are primarily steeped dormers, dormers that face the street, a variety of cladding and different types of siding and detail work that is associated with the eaves and bracketing of the gables and are also an attribute of the house.

Mr. Condatore stated that he met with the applicant several years ago where he started to propose what wanted to do for the house. Immediately entering the home, his attention to detail and his care in how historic the house was and the value it had architecturally was evident. Everything the applicant has done has been meticulous, bringing the original house, that is there now, back to the original standards. The applicant has even gone so far as to custom build windows that are period, finding furniture and door handles. Everything put into the house, currently, is period. When we were asked to work with the applicant, we knew right from the beginning of staying in line with the exiting architecture is very important to him and that is what is being proposed here today.

Mr. Condatore confirmed to Ms. Krimko that if the addition was set back to the 50 ft, it really could not be depicted as a continuation of the existing architecture. It would be very clear that it was an addition and not part of the original house. From a historic perspective, it is a better zoning alternative to just build up what is existing and follow the main roof line to preserve the architecture. That is exactly what is being done. The existing house is approximately 1400 sqft. It is a modest size house. The addition is 450sqft per floor, a total of 900 sqft. For a total of 2300sqft for the house.

Mr. Condatore testified that the impact to the street, visually, will not have a negative impact to the surrounding area. It will appear in keeping with what was historically there. It will appear as it was part of the original structure built in the 1800s. The addition is meant to blend in the proportions and siding basically continuation of what is there. When completed, it will be hard to believe you will notice the addition.

Mr. Condatore testified that a row of arborvitae trees line the property at the street front. There is no real storage in the basement that you can stand in. There are some finished areas of the basement now, but no real area for storage in the basement or the attic. The attic is inaccessible. The construction of the garage had to do more to storing the vehicles, motorcycle and bicycles but must also provide the needed storage that you don't find in the house. The applicant wants to add to, not distract from, the

historic nature of even the interior of the garage. The existing house structure has a lot of large windows and openings. It is very fluid. There is no location to really put additional closets. Most of the houses at this period used items like armoires and chests for storage. General storage it is really not available within the house.

Mr. Contadore confirmed to Ms. Krimko that the applicant could have conformed by building a much larger footprint garage that would be much squatter in nature and not needed a variance. It is so important to ask for the variance for 25 ft and add the story on top, as opposed to doubling the footprint, of the garage is important because the applicant wanted the garage to architecturally be in line with the architecture of the house, by way of detailing and proportion. With the stick architecture, one of the primary features is a steep gable roof. Mr. Contadore showed the garage elevation A5.01 of A-1. Rather than choose a much shorter garage with a flatter roof and conform to the ordinance. The applicant chose the architectural plan because proportions of stick architecture are more vertical. Looking at the existing house. The structures are generally taller than wider. If you built something not in the same proportion, you could tell it is not in line with current architecture. Also important to stick architecture is the roof slope. A steeper vertical slope matched the existing house. It is important that these align. Note the variation of siding on the house. There is a banding that happens above the doors and windows that separates the floors. We felt it is important that this band be replicated on the proposed garage separating the different styles and that in itself gives the taller proportion of the structure. When compared to the existing house, you can see they are very much in line. It is being kept historically appropriate and in context with the house from an architectural standpoint, and from a massing standpoint and the types of carriage houses or accessory structures you would see back in the turn of the century. It is a more appropriate solution than a shorter, fatter wider garage. It is a better solution not for just the architecture, but for the site itself. The lot is undersized as an existing non-conformity. The last thing you want to do is to create a larger footprint than what is needed to create the architecture and style. It is a better use to the site as it exists. It is a better zoning alternative because it limits the additional impervious coverage. By making it as a second story, instead of a larger footprint, it is keeping more light, air and open space as it relates to the coverage of the ground, even though the applicant is under and can enlarge a footprint quite a bit. The applicant is short approximately 9% of coverage. That equates a substantial size difference from what is being requested.

Mr. Contadore confirmed to Ms. Krimko that the applicant is going to preserve the 54-inch tree. The tree has been reviewed as a poplar tree, which is a deep-rooted tree system. The construction will not impact the integrity of the tree. It is a slab on grade with 36-inch footings. There is no deep foundation and no crawl space. The footings just have to get to frost elevation.

Ms. Krimko testified that the applicant will consult the Shade Tree Commission to make sure the type of construction will take every best effort to preserve the tree which is as important to the applicant as it is to the Borough.

Mr. Contadore confirmed to Ms. Krimko that with regard to the neighbor to the south, who stated he is here as an objector and reading the missive he submitted to the board and believe he will offer testimony tonight that it did not appear that any of those objections appear to be regarding the height of the garage or the addition to the back of the house. With regard to the garage as it relates to the property, Mr. Mulhaul's garage appears to be six feet off the mutual property line. The applicant is proposing a more than double required setback at 12.8ft. From a visual perspective, the visual height impression diminishes as you step away from it.

Ms. Krimko stated that the applicant is open to Board Engineer Avakian's oversight to make sure that everything in his report letter is addressed.

Board Engineer Avakian stated that that be satisfactory and is appreciated.

Board Engineer Avakian stated that a grading plan would be recommended to ensure that the grading is directed properly off site.

Ms. Krimko stated that other concerns by objector regarding grading as it related to approved basketball court is not going to be talked about at this hearing. The applicant would agree to submit a grading and drainage plan for the Board's engineer review to confirm that there is no negative grading or drainage impact of the construction proposal should the board approve this application.

Chairman Papp opened the floor for Board member questions.

Ms. Dalton asked that a barrier be put around the tree during construction so that the tree is not impacted any further than it has to be.

Ms. Krimko agreed that there would be a barrier placed.

Chairman Papp questioned the ceiling height of the second floor.

Chairman Papp and Mr. Condatore had a brief discussion regarding the design of the second floor. There is a valley beam. All four corners constantly slope. It starts at four feet and goes up to the ridge. There is no flat ceiling throughout. The design is not a function of trying to get more space on the interior. The roof is designed to be complementary to the design of the existing historic structure.

Mr. Wentz asked the intend use and the point of access of the second floor of the garage.

Mr. Condatore stated that it was for storage. There will be a stairway from the first floor. The stairway makes it easier to bring up larger items. The stairway is purely for ease of access. The space is not proposed to be finished space. There will be no plumbing installed in the garage.

Mr. Wasilishen asked about the square footage of the garage.

Mr. Condatore stated that the first floor is approximately 480sqft. The area of the second floor is the same but there is not full head clearance for much of the second floor.

Ms. Krimko stated that 7ft ceiling is required for habitual space makes the second floor about half or 200sqft. It is effectively a two-car garage with a half story on top of it.

Vice Chairwoman Umfrid confirmed with Mr. Condatore that the space above the cars would not be heated or have electricity except for a light.

Vice Chairwoman Umfrid questioned what type of items will be stored above the garage.

Mr. Condatore stated that normal items such as Christmas stuff and bikes would be stored.

Vice Chairwoman Umfrid questioned why the attic of the main house is not accessible.

Mr. Condatore stated that the space is only a few feet above the ceiling joist. Not enough space for storage.

Vice Chairwoman Umfrid questioned the amount of the basement that is finished.

Mr. Condatore stated that 60 to 70% of the basement is finished.

Ms. Umfrid asked why the ridge of the roof would be 13ft and whether it could be reduced.

Mr. Condatore stated that the design was really about the architecture and the style of the house and making sure the style of the garage was in keeping with the existing style.

Chairman Papp asked questions about what the height of the garage would block.

Ms. Krimko stated that the position of the garage being farther away from the property line would lessen the impact of the garage that stands 23ft high from grade. This garage is significantly shorter than a garage that was previously approved and farther away from the property line. The new garage would be in a corner near other garages.

Mr. Tilton stated that there is a house just to the west with a very tall two-story garage.

Mr. Tilton confirmed with Ms. Krimko that the shed would be removed. The garage is going in its place.

Ms. Krimko stated that the applicant designed the exterior of the garage first to meet the architectural style of the house. The driving factor is not the head height of the interior space of the second floor. The applicant will agree to put a ceiling on the second floor. It does not make a difference. This admittedly expensive exercise is to maintain the purity of the architectural style of the property.

Ms. Heinz asked whether there was any way to get the structure to be lower.

Mr. Condatore stated that the height is needed to match the architectural style of the house. The garage is 23ft. 24ftx24ft is most common.

Heinz thinks will look great other people wanting a higher second floor and couldn't do it wondering to be fair to other is there another way of getting it to look just as nice going with a lower structure. Chairman Papp opened the floor to public questions to the architect.

Ms. Krimko asked that the questions be limited to just questions to the architect.

At this time, 8:56pm, the meeting communication was lost.

Meeting communication resumed at 9:00pm using the original meeting number and password noticed for the original meeting. Roll call was taken.

It should be noted that the number of attendees for the meeting when it resumed was the same as the original number of attendees before the disconnect. The same attendees were present.

Mike and Laura Mulhaul, 101 Grassmere Avenue, were confirmed in attendance at this time.

Chairman Papp opened the floor to public questions to the architect.

Laura Mulhaul, 101 Grassmere Avenue, stated that the aesthetic for the garage and addition is very lovely. She and Mr. Mulhaul don't have any issues with that. Ms. Mulhaul is glad the Shade Tree Commission will be involved to protect the tree. Ms. Mulhaul has concern regarding the drip line of the tree. Ms. Mulhaul asked the architect regarding the type of tree and its root system. Ms. Mulhaul has concern about the very large root system and feels the Shade Tree Commission should monitor that as well. It is a very large tree and it is important to the Mulhails'.

Ms. Mulhaul asked about a drainage issue.

Ms. Krimko objected stating that the applicant did not concede there was a drainage issue but rather indicated that a grading and drainage plan for the new construction would be subject to review by the Board Engineer. Any existing drainage problem alleged, perceived or otherwise, is not within the purview of this Board. That is an enforcement issue with the zoning officer. It is not before this Board.

Board Attorney Brown asked Mr. Avakian for context to his report regarding drainage.

Board Engineer/Planner Avakian stated that it was our understanding that the prior zoning officer granted approval for construction of basketball court with the intention of the location being 5ft from property line. It was actually installed somewhat closer at 2.5ft on one corner and 4.5ft on the other corner. The applicant is now proposing to right that and make it greater than 5ft from the property line, so it would be in compliance with the zoning approval.

Ms. Krimko stated that the court has been moved already.

Ms. Mulhaul stated that there was no confirmation that the court has been moved correctly.

Ms. Krimko objected, stating that the neighbors are raising an issue with conforming basketball court. The applicant is not before this Board with regard to a basketball court. The Board's jurisdiction is limited to the variance relief for the garage and the addition. The Mulhails' have already reached out to the zoning officer, to the mayor and to the clerk and that is why the other issue is addressed.

Board Attorney Brown stated that the issue is whether or not it is a German issue. Ms. Krimko has stipulated and believes that Board Engineer/Planner Avakian has indicated that any violation of code or other law that is relevant in Interlaken has been resolved, so if the Board wants to put a condition in the resolution, if it is approved, for some part of the application or all of it, the condition can be that Board Engineer/Planner Avakian has the ability to verify on site conditions. Board Attorney Brown believes that Ms. Krimko has already stipulated to that. Board Attorney Brown understands the legal argument. It should be something that has been resolved with Board Engineer/Planner Avakian overseeing so that the Mulhails' can have peace of mind and we move on.

Ms. Krimko stated that as she understands it; yes, that is the case, as it relates to the location of the basketball court but there is an alleged drainage issue that the applicant is not conceding to. What the

applicant is saying is that a grading and drainage plan will be submitted and what we are saying is we will submit a grading and drainage plan to the Board's satisfaction as it relates to the garage.

Chairman Papp stated that the basketball court does not come into play for this application, so that is a prior decision made by the Borough. The Board does not need to consider this further.

Ms. Mulhaul asked questions pertaining the drawing shared on the screen by Mr. Condatore. It was determined that the plan shared on the screen were not the plans updated to the revision date of August 4, 2020 but the original sheets dated June 10, 2020.

Ms. Mulhaul stated that there were different distances between the sheets.

Ms. Krimko pointed to the survey which shows the driveway distance at 5.1ft. Ms. Krimko indicated in the beginning of the hearing that there were discrepancies between the Engineers plans as submitted and the survey and that the applicant would rectify those items. One was setback of the existing driveway and one was that the tree that was not labeled.

Ms. Krimko stated that it was already testified to that as it relates to the exiting driveway and existing basketball court both will be setback a minimum of 5ft from property line.

Ms. Mulhaul stated that the driveway was cut back a few weeks ago and the grading is coming toward her property. Since the area has been removed the area is draining onto the Mulhails' property from the northeast corner.

Ms. Krimko stated that the applicant will submit a grading and drainage plan. It will not just show where the garage is going. It will be for the property in its entirety. If the Board Engineer feels that it is graded such that it is having a negative effect on the Mulhails' property, Board Engineer/Planner Avakian will make a recommendation and the applicant will correct that.

Board Attorney Brown confirmed that Ms. Krimko is stipulating that Board Engineer/Planner Avakian will have the ability and jurisdiction to make any recommendation which Ms. Krimko's client will comply with, even as it relates to even the area off the basketball court.

Ms. Krimko agreed that the applicant will abide by Board Engineer/Planner Avakian's recommendation as he would today if there was an issue with grading.

Board Engineer/Planner Avakian clarified so that the neighbors understand, it includes both the garage and the basketball court along the southerly property line and will ensure that it is graded adequately to avoid impact on their property.

Board Engineer/Planner Avakian confirmed to Board Attorney Brown that there were no concerns with the changes. The changes were factual in effect and were made to comply with conditions in the Borough ordinance that was identified in the engineer report. The architect took that information, made the correction to the datum which is the street level, that we measured the accessory height from and some other information that is more accurate and easier for the board to understand.

Ms. Krimko stated that it is a full two-story addition, the grading plan will be for the property as a whole. A full set of revised plans will be submitted rather than just the updated sheets so there is no misunderstanding.

Ms. Mulhaul stated that there is a 48inch cistern between the two properties and believes it is 50 percent on her property and 50 percent on the applicant's property and asked that someone take a look at that.

Ms. Krimko stated that stated that it confounded her that Charles Widdis' office did not locate the cistern on the survey updated of March 2020. The cistern will be located and the applicant will defer to Board Engineer/Planner Avakian's office with regard to the location. Ms. Krimko noted that Ms. Mulhaul's garage was 2.7ft from the cistern without interference. The applicant's proposed garage is going to be 12ft away. The applicant can certainly have Board Engineer/Planner Avakian look at it.

Ms. Mulhaul noted that the garage has been there for 100 years.

Ms. Krimko stated that the cistern may have been there as long. Revised plans will be submitted and the applicant will abide by any suggestion that the Board engineer has.

Board Engineer/Planner Avakian confirmed to Board Attorney Brown that he would be comfortable with the responsibility of the location of the cistern as it spans the property line and in terms of avoidance of that structure with the new construction but would not resolve any historical aspect of the structure.

Ms. Krimko verified with Ms. Mulhaul that her concern was regarding construction impact of the cistern.

John Leidersdorff, applicant was sworn in by Board Attorney Brown.

Ms. Krimko asked Mr. Leidersdorff to explain why he is going through the pain and suffering and economic cost of seeking a variance for this garage, when he can easily double its size, have it much shorter and not need a variance.

Mr. Leidersdorff stated that the property is a special part of their life. They bought it and fixed it up together. The house had been known as the haunted house and was very much in disrepair. They went through the process of fixing everything instead of replacing everything. They kept every original window and doorknob. They became fans of historic restoration and it became very important to them when the house was being done. They have a 9 year old girl and 13 year old with only one full bathroom. They do not want to move but want to stay here. It is part of our family at this They consulted Mr. Condatore and other restoration architects to try to put an addition on add enough space to have a family of four live in the house. The way the house is designed there are really no closets and you need to add large pieces of furniture into the space to act as closets. They are going to stay pure about that and with all the finishes including the windows. Mr. Leidersdorff stated that he knows there is no historic ordinance in Interlaken, but this addition and the carriage house will be identical to the rest of the house. It is kind of a passion project for them and they would like to stay in Interlaken.

Mr. Leidersdorff stated that a lot of research was done. Years were spent looking at different examples. They want this to be identical to what would have been here at that time. This is the only way we found it would match the house. They found a model in Maine that is almost identical and added the detail that is on this house.

Mr. Leidersdorff confirmed to Ms. Krimko that the purpose of the variance is not to get more storage space or get better headroom on the second floor. It has nothing to do with the interior. It is all about how the exterior will look in context to with the house. The addition was designed to replicate the existing bump outs on the house so it identical. It is meaningful. The attic of the house cannot be stood up in. Some storage is needed, but the main reason is the way it looked.

Mr. Leidersdorff stated that stairs were proposed so bringing stored items such as Christmas ornaments and lawn furniture will be safer.

Jen you heard the representations I made with regarding the draining plan and saving the tree and working with the shade tree commission you agree to all that.

Mr. Leidersdorff stated that they are big fans of the Shade Tree Commission and the work that they do throughout the town and have been for years. The design was created based on keeping that tree. They have been told by many people that is probably the largest and oldest tree in town. We have had different people come out to look at the tree and feel very comfortable we can save the tree with no issues. It is a poplar tree, so the root system grows straight down.

Mr. Leidersdorff stated that they would like to put some beautiful trees, maybe Green Giants, between their property and the Mulhaults'. They would like to make the Mulhaults' experience better. They understand that the previously basketball has never been an issue and they understand that it is now and feel bad it has become an issue. They want to make it visibly pleasing to everybody which was always the intention and the same with the addition. They want to keep everything within the character of everything happening in Interlaken.

Board Engineer/Planner Avakian believes that it is absolutely satisfactory that the Green Giant trees that were testified to are one of the better trees to use in that situation and they also absorb water if there is any groundwater drainage running onto the neighboring property.

Ms. Krimko stated that the trees will be on the sideline. Typically, it is only required to mitigate the impact of the variance. The applicant is offering to run them down the east of the basketball court as well as a courtesy to the neighbor. The court and the garage will be obscured from their view and hopefully put their issues to rest.

Mr. Mulhaul asked when trees would be put in and requested that the basketball net be moved to other side.

Ms. Krimko stated that the basketball court is not up for discussion. The basketball court is not being moved. It is staying where it is.

Mr. Mulhaul stated that a few months ago he stated to the planning board Planning Board that there was a concern about the court and was told that he had to speak to the Zoning office about the concern.

Ms. Krimko objected stating that this was not the appropriate forum to explain the court.

Chairman Papp stated that the Board must stick with the application and that Mr. Mulhaul would have to take that up another time.

Mr. Mulhaul questioned why he was told by the Zoning officer that the Planning Board was the place to bring the concern.

Chairman Papp stated that he could not answer that.

Ms. Krimko pointed out that the applicant was agreeing to plant trees to block the basketball.

Mr. Mulhaul stated that the problem is that there is a tremendous liability of the ball coming on to the property thousands of times.

Chairman Papp stated that the issue does not come into play with this application.

Mr. Mulhaul stated that it is not fair. The Planning Board is where they were directed to bring the issue.

Ms. Krimko objected, stating that the discussion was inappropriate and outside the scope of the application.

Chairman Papp stated that the Board has to stick with this application at this particular point and the Mulhauls' issue will have to take up at a different time.

Mr. Mulhaul stated that he understood.

Ms. Krimko directed Mr. Mulhaul to call her office for an off-line discussion to get it resolved.

Ms. Krimko stated that the house is a jewel of Interlaken and the applicant is proposing to make it better rather than propose a short squat garage that will not be in keeping to the architecture. Even the neighbor who is upset about the basketball court agrees that everything being proposed here is beautifully done and is a welcome addition. As a result of that and subject to the review of Mr. Avakian as to drainage, the cistern and the trees, Ms. Krimko asks that the Board please to vote favorably.

Vice Chairwoman Umfrid stated that she understands the issues involving the architectural integrity and wanting to maintain that with regards to the garage, but she still has an issue with the 13ft to the ridge of the second floor. Vice Chairwoman Umfrid asked about considering a deed restriction so that if these people sell their home in the future it will not be converted into living space.

Once again, the meeting communication was lost at 9:37pm.

Meeting communication resumed at 9:43pm using the original meeting number and password noticed as the original meeting. Roll call was taken.

It should be noted that the number of attendees for the meeting when it resumed was the same as the original number of attendees before the disconnect. The same attendees were present.

Mr. and Mrs. Mulhaul were confirmed in attendance.

Ms. Krimko stated that if a deed restriction was put in place and the changes then the applicant will not be able to use their garage as every other resident. The applicant is willing to stipulate that there will be no living space and no plumbing in the garage.

Board Attorney Brown stated that this issue has come up in the past and deed restrictions have been indicated.

Mr. Tilton stated that the resolution can be written so that a future change in Zoning can be accommodated.

Ms. Krimko agreed to the deed restriction, that the space will not be used as living space, though would be allowable should there be a future Zoning change.

Mayor Nohilly stated that he was very familiar with the attic of the property. He had been in the attic when he was considering purchasing the property 17 years ago. The family made a commitment to restore the house and have held to that. Mayor Nohilly noted that the attic in the existing house is only 14ft if standing in the very center of the room. There are four dormers. In most of the space you must lower your head.

Mayor Nohilly made motion for a vote.

Ms. Umfrid asked if each variance may be voted on separately.

Board Attorney Brown stated that each motion may be voted on separately.

Ms. Krimko noted that there was someone on the video communication raising their hand.

Mayor Nohilly withdrew the motion.

Chairman Papp reopened to the floor to the public.

Mr. Paul McEvily, 610 Woodmere Avenue, apologized for not being sure when to make a general statement.

Mr. McEvily was sworn in by Board Attorney Brown.

Mr. McEvily stated that he was familiar with property at 10 Bridlemere Avenue and feel it is one of signature homes of Borough of Interlaken. Mr. McEvily knows applicants, John and Nancy Leidersdorff well. They are a credit to this community and any community they might choose to live in. Mr. McEvily had a chance to tour the home and the restoration that was lovingly and painstakingly undertaken by the applicant, at great expense, some number of years ago. The proposed addition and the requested variances have been done with the same painstaking care. They are architecturally pure, in Mr. McEvily's opinion. The applicant and their professionals should be commended on their design and this proposal. The architect, in fact, has created additions to the main house and the garage, a separate structure, that when constructed will appear to have been in place for the 120 years that the principal residence has been in place. It will not appear to be an addition. Mr. McEvily urges the Board to approve the application with the requested variances required and thanked the Board.

Mayor Nohilly made motion to approve all variances and not split approvals stating that the applicant has made every concession the Board has asked for and does not see any benefit to the Borough to split the vote.

Mr. Christopher Binns, 110 Bendermere Avenue, apologized for the late comment as he was not sure when to make his statement.

Chairman Papp apologized saying that the whole meeting has been quite different referring to the Zoom format and the technical difficulties. Chairman Papp gave Mr. Binns the opportunity to make comment.

Mr. Binns thanked the Mayor and the Board stating they have a tough job and thanked them for doing it. Mr. Binns stated that he has known Mr. Leidersdorff for the 17 years he has been in town. Mr. Leidersdorff redid the house railings and columns on the porch five times until he liked the way they looked and felt that they were in keeping with the house. Mr. Binns shared Mr. McEvily's sentiment. Having seen the design Mr. Binns is comfortable with the construction, the clapboards, the band around the garage and the shakes. Mr. Binns very much understands the necessity for the height of the roof. In fact, Mr. Binns believes, a previous Planning Board member, Jimmy Watt, would probably rip the plan to shreds if the pitch of the roof weren't correct and historically in keeping, as I have seen him do. Mr. Binns urged the Board to vote positively. Mr. Binns thinks it is well designed. A great job done by Mr. Leidersdorff and the professionals.

Chairman Papp closed the floor to the public.

Ms. Dalton seconded Mayor Nohilly's motion to approve.

UPON MOTION of Mayor Nohilly, seconded by Ms. Dalton, carried, the Board approved the application.

ROLL CALL:

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

Opposed: None

Ineligible: Mr. Weaver (not present for the entire testimony, as he rejoined the meeting late after the first lost communication.)

Abstain: None

Absent: Mr. Franks

Mr. Leidersdorff and Ms. Krimko thanked the Board and left the meeting.

Mr. Wentz summarized information regarding the Land Use Continuity Plan that he and Ms. Kapp have been working on. This included items for consideration for further discussion by the Board that can be molded into ordinances. The plan is intended to help protect and keep the fabric of the neighborhood consistent which will in turn keep the property values up. A comprehensive action is proposed rather than a cherry pick of items.

Board Attorney Brown state that it was fantastic that the Mayor was in attendance. The efforts by the Board to change Zoning and ordinances need to go up to Council. The Board can prepare the language and have coordination with Councilman Butler to expedite the process.

Chairman Papp stated that it has been talked about once before. The Board puts the document together then it must go to the Mayor and Council. It must be reviewed by their attorney as well.

Mayor Nohilly stated that Councilman Butler has briefed Council of the effort. Mayor Nohilly suggested that before the Board goes through too much time and effort, the Board should provide an outline to Council. Attend a workshop meeting and present the outline. Nothing formal is necessary. It would give Council and understanding of what the Board is requesting.

The Board had a brief discussion regarding the presentation to Council. It was decided that Chairman Papp, Mr. Wentz and Ms. Kapp would attend the September 16, 2020 Council Workshop meeting to present a Planning Board review of Land Use Continuity to Council.

UPON MOTION of Mayor Nohilly, seconded by Councilman Butler, carried, the Board adjourned the meeting.

ROLL CALL:

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

Opposed: None

Ineligible: None

Abstain: None

Absent: Mr. Franks

Approved: _____
Mr. Papp, Chairman

Attest: _____
Gina Kneser, Secretary