

**BOROUGH OF INTERLAKEN
MINUTES- PLANNING BOARD
JANUARY 27, 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 January 27, 2020 at 7:30 p.m. in the Borough Hall.

Chairman Papp opened the meeting, announced that the meeting was being held in accordance to the Open Public Meeting Act and that Notice of the meeting had been published in the Coaster. The announcement was followed by the Pledge of Allegiance.

ROLL CALL:

Present: Mr. Papp, Mr. Butler, Ms. Umfrid, Mr. Tilton, Ms. Dalton, Ms. Heinz, Mr. Weaver, Ms. Kane and Mr. Wentz

Also Present: Planning Board Attorney Representative Martin Arbus, Planning Board Engineer/Planner Peter Avakian and Planning Board Secretary Gina Kneser

Late Arrival: None

Absent: Mr. Wasilishen

UPON MOTION of Mr. Weaver, seconded by Councilman Butler, carried, the Board approved the minutes of October 21, 2019 meeting.

ROLL CALL:

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

Opposed: None

Ineligible: Ms. Dalton and Ms. Kane

Absent: Mr. Wasilishen

Abstain: None

The following members were sworn in by Board Attorney Representative Martin Arbus:

Mervin Franks	Class I
Margaret Dalton	Class II
Councilman Butler	Class III
Amanda Kane	Alternate #1
Timothy Wentz	Alternate #2
Jennifer Kapp	Alternate #3

Chairman Papp congratulated newly sworn members.

Ms. Umfrid NOMINATED Mr. Papp as PLANNING BOARD CHAIRPERSON, seconded by Ms. Dalton.

With no additional nominations, the Board voted and carried. The following resolution was adopted:

BE IT RESOLVED by the Interlaken Planning Board that the APPOINTMENT of Thomas Papp as Chairman for the year 2020 is hereby approved.

ROLL CALL:

- In Favor: Mr. Papp, Councilman Butler, Ms. Umfrid, Mr. Tilton, Ms. Dalton, Ms. Heinz, Mr. Weaver, Mr. Franks, Ms. Kane, Mr. Wentz and Ms. Kapp
- Opposed: None
- Ineligible: None
- Abstain: None
- Absent: Mr. Wasilishen

Chairman Papp thanked the Board for their vote of confidence.

Chairman Papp opened the floor for nominations for Vice Chairperson.

Ms. Heinz NOMINATED Ms. Umfrid as PLANNING BOARD VICE CHAIRPERSON, seconded by Ms. Dalton.

With no additional nominations, the Board voted and carried. The following resolution was adopted:

BE IT RESOLVED by the Interlaken Planning Board that the APPOINTMENT of Kathy Umfrid as Vice Chairwoman for the year 2020 is hereby approved.

ROLL CALL:

- In Favor: Mr. Papp, Councilman Butler, Ms. Umfrid, Mr. Tilton, Ms. Dalton, Ms. Heinz, Mr. Weaver, Mr. Franks, Ms. Kane, Mr. Wentz and Ms. Kapp
- Opposed: None
- Ineligible: None
- Abstain: None

Absent: Mr. Wasilishen

Chairman Papp congratulated Vice Chairwoman Umfrid.

Chairman Papp opened the floor for nominations for the Planning Board Secretary.

Ms. Heinz NOMINATED Gina Kneser as PLANNING BOARD SECRETARY, seconded by Mr. Franks.

With no additional nominations, the Board voted and carried. The following resolution was adopted:

BE IT RESOLVED by the Interlaken Planning Board that the APPOINTMENT of Gina Kneser as Board Secretary for the year 2020 is hereby approved.

ROLL CALL:

In Favor: Mr. Papp, Councilman Butler, Ms. Umfrid, Mr. Tilton, Ms. Dalton, Ms. Heinz, Mr. Weaver, Mr. Franks, Ms. Kane, Mr. Wentz and Ms. Kapp

Opposed: None

Ineligible: None

Abstain: None

Absent: Mr. Wasilishen

UPON MOTION of Councilman Butler, seconded by Chairman Papp, carried, the following resolution was adopted:

BE IT RESOLVED by the Interlaken Planning Board that The Coaster and the Asbury Park Press are hereby designated as Official Newspapers for notices and matters as may be deemed necessary, according to law.

ROLL CALL:

In Favor: Mr. Papp, Councilman Butler, Ms. Umfrid, Mr. Tilton, Ms. Dalton, Ms. Heinz, Mr. Weaver, Mr. Franks, Ms. Kane, Mr. Wentz and Ms. Kapp

Opposed: None

Ineligible: None

Abstain: None

Absent: Mr. Wasilishen

UPON MOTION of Ms. Heinz, seconded by Ms. Dalton, carried, the following resolution was adopted:

WHEREAS, the Open Public Meetings Act is the law of the State of New Jersey and provides for Public Notices to be given to certain requirements concerning meetings of the Planning Board of the Borough of Interlaken, and

WHEREAS, the Planning Board of the Borough of Interlaken, and regular meetings and such meetings as may be necessary to carry out the business of the Planning Board and the Board wishes to adopt certain basic rules and regulations.

NOW, THEREFORE, BE IT RESOLVED that the following schedule is hereby adopted by said Board:

The regularly scheduled meetings of the Planning Board of the Borough of Interlaken shall be held at 7:30 PM on the third Monday of each month except in the case of legal holidays and other appropriate reasons when the meeting will be set forth as provided by law.

In the event of the Board's lack of business, notice will be given to an official newspaper of the Board on the cancellation of said meeting.

All meetings shall be held in the Borough Hall, 100 Grassmere Avenue, Interlaken, New Jersey.

THEREFORE, PURSUANT TO THIS RESOLUTION, the following dates for regular meetings shall be:

February 24, 2020	August 17, 2020
March 16, 2020	September 21, 2020
April 20, 2020	October 19, 2020
May 18, 2020	November 23, 2020
June 15, 2020	December 21, 2020
July 20, 2020	January 25, 2021

THEREFORE, PURSUANT TO THIS RESOLUTION, the dates for work sessions shall be determined on an as needed basis and notice of work sessions will be published in The Coaster or the Asbury Park Press.

BE IT FURTHER RESOLVED that in the event regular meetings or additional meetings have to be held at a date, time and place other than set forth herein due to unforeseen circumstances or in any emergency or for other appropriate reason, same shall be held at a date, time and place set forth by the chairman or according to law, and published in The Coaster or the Asbury Park Press and one in the office of the Borough Clerk.

BE IT REOLVED that the Board requires that all applications and appropriate plans in support thereof be received at least fourteen (14) days prior to the regular meeting at which it is proposed that the matter be heard.

THEREAFTER, the Board, at its discretion, will advise the applicant of the specific hearing date to appear for public hearing by the Planning Board Administrative Officer when the application and plans have been determined to be complete.

ROLL CALL:

In Favor: Mr. Papp, Councilman Butler, Ms. Umfrid, Mr. Tilton, Ms. Dalton, Ms. Heinz, Mr. Weaver, Mr. Franks, Ms. Kane, Mr. Wentz and Ms. Kapp

Opposed: None

Ineligible: None

Abstain: None

Absent: Mr. Wasilishen

UPON MOTION of Mr. Weaver, seconded Councilman Butler, carried, the following resolution was adopted:

WHEREAS, There is a need for a Board Engineer and Planner, and

WHEREAS, FUNDS ARE AVAILABLE FOR THIS PURPOSE and the Local Public Contracts Law (N.J.S.A. 40A:11-1 et. seq.) requires that the appointments made without competitive bidding must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Interlaken, that:

The Planning Board hereby engages the services of PETER R. AVAKIAN, P.E., of Leon S. Avakian, Inc., as Board Engineer and Planner. These appointments are being made under the same terms and conditions as 2018 and for the term of one (1) year, effective January 1, 2019.

1. These appointments are being made without competitive bidding because these appointments involve a member of a recognized profession, licensed and regulated by law, and are, therefore, exempt under N.J.S.A. 40A:11-5.

2. The Planning Board Chairman and Secretary are hereby authorized and directed to execute agreements with PETER R. AVAKIAN, P.E.

3. A copy of this Resolution shall be published in The Coaster as required by law.

ROLL CALL:

In Favor: Mr. Papp, Councilman Butler, Ms. Umfrid, Mr. Tilton, Ms. Dalton, Ms. Heinz, Mr. Weaver, Mr. Franks, Ms. Kane, Mr. Wentz and Ms. Kapp

Opposed: None

Ineligible: None
Abstain: None
Absent: Mr. Wasilishen

Peter R. Avakian was sworn in by Board Attorney Representative Arbus. Board Engineer/Planner Avakian will remain under oath until the end of the term and will not be required to swear in at each meeting.

Board Engineer/Planner Avakian thanked the Board.

UPON MOTION of Mr. Weaver, seconded Councilman Butler, carried, the following resolution was adopted:

WHEREAS, There is a need for a Board Attorney, and

WHEREAS, FUNDS ARE AVAILABLE FOR THIS PURPOSE and the Local Public Contracts Law (N.J.S.A. 40A:11-1 et. seq.) requires that the appointments made without competitive bidding must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Interlaken, that:

The Planning Board hereby engages the services of SANFORD D. BROWN, ESQ. and the firm of Sanford D. Brown, L.L.C. as Board Attorney. These appointments are being made under the same terms and conditions as 2018 and for the term of one (1) year, effective January 1, 2019.

1. These appointments are being made without competitive bidding because these appointments involve a member of a recognized profession, licensed and regulated by law, and are, therefore, exempt under N.J.S.A. 40A:11-5.

2. The Planning Board Chairman and Secretary are hereby authorized and directed to execute agreement with SANFORD BROWN, ESQ.

3. A copy of this Resolution shall be published in The Coaster as required by law.

ROLL CALL:

In Favor: Mr. Papp, Councilman Butler, Ms. Umfrid, Mr. Tilton, Ms. Dalton, Ms. Heinz, Mr. Weaver, Mr. Franks, Ms. Kane, Mr. Wentz and Ms. Kapp

Opposed: None

Ineligible: None

Abstain: None

Absent: Mr. Wasilishen

UPON MOTION of Ms. Heinz, seconded by Ms. Dalton, carried, the following resolution was adopted:

WHEREAS, the Planning Board of the Borough of Interlaken is required, pursuant to the N.J. S. A. 40:55D-70.1 and 40:55D-25c., reviewed at least once a year its decision on applications and appeals for variances, and to prepare and adopt by Resolution a report on its findings on Zoning Ordinance provisions which were subject of variance requests and its recommendations for Zoning Ordinance amendments or revisions, if any, and

WHEREAS, the Board has prepared a report, has discussed same, and find the report to be proper;

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Interlaken, as follows,

1. The report, a copy of which is attached hereto and incorporated herein, is approved.
2. The Chairman of the Board is hereby authorized to execute the report.
3. A copy of the report and the herein Resolution shall be forwarded to the Mayor and Council.

ROLL CALL:

In Favor: Mr. Papp, Councilman Butler, Ms. Umfrid, Mr. Tilton, Ms. Dalton, Ms. Heinz, Mr. Weaver, Mr. Franks, Ms. Kane, Mr. Wentz and Ms. Kapp

Opposed: None

Ineligible: None

Abstain: None

Absent: Mr. Wasilishen

APPLICATION

709 Raymere Avenue, Block 12/Lot 6 (Rafferty)
Impervious Surface Variance

Applicants Mr. and Mrs. Rafferty joined the table.

At this time, Mr. Franks recused himself, as he is the Class I member and the Mayor owns property that is within 200ft of the applicant.

Mr. Weaver also recused himself, as his home is within 200ft of the applicant.

Board Attorney Representative Arbus marked the following items into evidence:

- B-1 Report prepared by Board Engineer/Avakian dated December 11, 2019
- A-1 Zoning Denial from Frank DiRoma dated August 5, 2019
- A-2 Variance Application packet including photos
- A-3 Survey prepared by Richard Hudson dated August 16, 2017
- B-2 Previous variance resolution dated December 18, 2017
- A-4 Zoning Denial from Frank DiRoma dated May 18, 2018

Mr. Rafferty stated that they are before the Board for a variance for a pad for a hot tub that is personally needed for medical purposes for both he and his wife. Mr. Rafferty has compressed disks in his neck and Ms. Rafferty has compressed disks in her back.

Mr. Papp noted that a letter included in the application packet, addressed to the building inspector, stated that the Rafferty's purchased the house in March 1, 2018. The previous owner secured a variance for slate patio and deck. The only change is the addition of a concrete slab.

Board Engineer/Planner Avakian briefly described the property. The property is located at 709 Raymere Avenue in the RA zone. The required lot area for the zone is 15,000sqft minimum for conformance with our ordinance. This lot is under sized and non-conforming with an area of 6,669sqft. The lot is substantially smaller in size than the minimum lot size of an RA zone. That puts the applicant at a deficit when making improvements. The size of the home complies with the building coverage. The building coverage of 22.8% was provided on the lot where 25% is the maximum allowed by ordinance. The maximum impervious surface allowed is 45%. With the concrete slab for the hot tub, it pushed the coverage up to 55.8%. Again, the reason it is over is because it is a non-conforming lot.

Board Engineer/Planner Avakian noted to the Board that this really is not an engineering or a planning issue. It is more of a practical issue for the Board to consider. It is a technical issue due to the size of the lot. Anything put on the property requires a variance. The lot area covered by improvements on the property is 3,721sqft. On a lot size of 6,669sqft that is 55.8%. If you used the same percentage on a conforming lot in this zone, it would allow over 8,000sqft of lot coverage. The RA Zone on a 15,000 sqft lot allows more lot coverage than this lot size even encompasses. That is really the nature of the application. The medical necessity is something used as testimony to substantiate the need for improvement, but the Board must make the determination. The applicant came to the board wanting to make the property conforming and are asking for the variance after the fact. The Board typically does not like that but can understand something that occurred and it is understood that there was reliance on prior permits and approvals.

Board Engineer/Planner Avakian stated that he would be happy to answer any questions. Impervious surface is the only variance. All other issues associated with the lot and with the dwelling and improvements are what are called non-conformities. The lot width and the depth are non-conforming with the lot standards. That is not the applicant's fault. That came with the lot that was secured. That is the applicant's planning justification for coming before the board tonight.

Chairman Papp opened the floor for Board member discussion.

Chairman Papp noted that the Borough was divided by our forefathers and over the years ordinances have been created that are modern and don't always fit well with these smaller lots. Mr. Papp understands the applicant's situation where there are a million variances that would be needed on this particular lot. Mr. Papp believes this is an emotional issue for him on how we see this for our neighbors who are relatively new in town.

Mr. Tilton noted that the Board looked at this property recently, a year ago. It is really undersized and so there is a hardship for the owner of this property. The hot tub has been put in the right way for the side yard setback. It looks appropriate with patio area. A lot of this is preexisting. The garage is all the way at the back, so there is a lot of driveway area. There is really nothing the applicant can do. Mr. Tilton sees no reason why the Board cannot grant the variance.

Chairman Papp opened the floor to public comment.

Janet Cassini-Pepe, 731 Raymere Avenue, stated that the Rafferty's are neighbors and she is in the same position, having maybe 7,000sqft lot and a large driveway. Once you put a little patio you are over. Ms. Cassini-Pepe thanked the Board for realizing these lot size issues for those stuck with a small lot.

Chairman Papp closed the public portion of the meeting.

Board Engineer/Planner Avakian noted for the Board to consider in their deliberation that maybe any potential resolution should include wording such that any future improvements would require application back to the Planning Board.

Board Engineer/Planner Avakian stated that the Board knows these lot sizes are a hardship and maybe reviewing some of the lot areas, undersized properties and current zones is something the Board should consider.

Board Representative Arbus asked to clarify past procedure of the joint Board.

Board Engineer/Planner Avakian noted that this application would be acted upon as a Planning Board Application.

Mr. Tilton verified with Board Engineer/Planner Avakian that there were no conditions of approval in the completeness review report and made motion to approve the application.

UPON MOTION of Mr. Tilton, seconded by Chairman Papp, carried, the Board approved the application.

ROLL CALL:

In Favor: Mr. Papp, Councilman Butler, Ms. Umfrid, Mr. Tilton, Ms. Dalton, Ms. Heinz, Ms. Kane, Mr. Wentz and Ms. Kapp

Opposed: None

Ineligible: None

Abstain: Mr. Franks and Mr. Weaver

Absent: Mr. Wasilishen

Mr. & Mrs. Rafferty left the table at this time.

Mr. Franks and Mr. Weaver rejoined the table.

Ms. Kane, Mr. Wentz and Ms. Kapp, alternate members who participated in the meeting from seating in the audience section moved to join the table.

Chairman Papp introduced Ms. Kapp and asked that she give the Board some information regarding her background.

Ms. Kapp stated that she moved to Interlaken in June. She holds a five-year architecture degree, though she is not licensed. Ms. Kapp has worked in Construction Management and has owned her own firm in New York City doing code consulting, zoning resolution consulting and expediting in New York City for 15 years.

The Board reviewed the implementation of a Floor Area Ratio Ordinance discussed at prior Board meetings with Board Engineer/Planner Avakian. The Board discussed the reasoning behind the desire for a Floor Area Ratio ordinance and controlling the size and proportion of buildings. Board Engineer/Planner Avakian noted to the Board that on many properties within the Borough many minimum lot areas are not justified by the lot size. The lot size is significantly smaller than the lot area. That circumstance would not change by applying Floor Area Ratio. Board Engineer/Planner Avakian consulted two of his staff planners to review the proposed ordinance. Typically, Floor Area Ratio is not used for residential review or control. The use of Floor Area Ratio creates the need to implement a Zoning Board of Adjustment and additional requirements on applicants.

Mr. Wentz noted that there was previous discussion by the Board regarding architectural/design review. The Board is trying to control scale of the houses within the Borough.

The Board and Board Engineer/Planner Avakian talked about various options for controls regarding building size, lot coverage, scale and options for limiting size of floors above the second floor of buildings.

The Board and Board Engineer/Planner Avakian agreed that a sub-committee would be formed including Mr. Tilton, Mr. Wentz and Ms. Kapp to meet with Board Engineer/Planner Avakian to further discuss ordinance regulations and desired design standards within the Borough. Other items will be reviewed including accessory structure size, use and placement. The sub-committee will meet and bring their findings back to full Board for discussion.

The Board discussed the costs involved and the willingness of Council to provide funding with Councilman Butler.

Councilman Butler stated that he believes that Council is of like mind with preserving the integrity and the look of the Borough. Budgeting and ordinances would be a more in-depth discussion. Councilman Butler would be happy to represent the Board to Council once there is a tangible request.

The Board had a brief discussion regarding garage conversions and enforcement of accessory use post construction inspections.

Board Secretary Kneser stated that landscape recommendations by Ms. Dalton were sent to Township of Ocean Sewage Authority (TOSA) Executive Director, William Schmelling. Mr. Schmelling came back with a request that the suggestions be illustrated using diagrams previously submitted to the Board. Mr. Schelling stated that TOSA is looking to complete the pump house project by the end of May, early June. Board Secretary Kneser stated that Ms. Dalton's recommendations included irrigation and specific varieties that would be drought hardy and deer resistant. TOSA seemed perceptive to these suggestions and would like a diagram. Board Secretary Kneser would work with Ms. Dalton to get that together.

Board Secretary Kneser noted that she will be in contact with the newest members regarding mandatory training and announced that the next Planning Board meeting will take place February 24, 2020.

Chairman Papp opened the floor for public comment. With no public comment, the floor was closed.

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

ROLL CALL:

- In Favor: Mr. Papp, Councilman Butler, Ms. Umfrid, Mr. Tilton, Ms. Dalton, Ms. Heinz, Mr. Weaver, Mr. Franks, Ms. Kane, Mr. Wentz and Ms. Kapp
- Opposed: None
- Ineligible: None
- Abstain: None
- Absent: Mr. Wasilishen

Approved: _____
Mr. Papp, Chairman

Attest: _____
Gina Kneser, Secretary