

**BOROUGH OF INTERLAKEN
MINUTES- PLANNING BOARD
JUNE 21, 2021 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 June 21, 2021 at 7:30 p.m. at Borough Hall, 100 Grassmere Avenue, Interlaken.

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 A VENUE CHANGE NOTICE TO THE COASTER AND THE ASBURY PARK PRESS THAT THE JUNE 21, 2021, MEETING VENUE HAS CHANGED FROM BEING A VIRTUAL MEETING FORMAT TO BEING HELD IN PERSON AT 100 GRASSMERE AVENUE, INTERLAKEN. A COPY OF THE NOTICE IS POSTED ON THE OFFICIAL BOROUGH WEBSITE. ALSO, A COPY WAS PLACED ON THE DOOR AT BOROUGH HALL AND IS ON FILE IN THE BOROUGH CLERK’S OFFICE.”*

This announcement was followed by the Pledge of Allegiance.

Chairman Papp noted that it was good to see everyone in person after many long months of COVID restrictions and of using the remote Zoom platform for meetings.

ROLL CALL:

Present: Chairman Papp, Vice Chairwoman Umfrid, Mr. Tilton, Mr. Wasilishen, Ms. Heinz, and Ms. Kapp

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

Late Arrival: None

Absent: Councilman Butler, Ms. Dalton, Mr. Weaver, Mr. Blasucci, Ms. Kane and Mr. Wentz

UPON MOTION of Ms. Heinz seconded by Vice Chairwoman Umfrid carried, the Board approved the minutes of May 17, 2021 meeting.

ROLL CALL:

In Favor: Chairman Papp, Vice Chairwoman Umfrid, Mr. Tilton, Mr. Wasilishen, Ms. Heinz and Ms. Kapp

Opposed: None

Ineligible: None

Abstain: None

Absent: Councilman Butler, Ms. Dalton, Mr. Weaver, Mr. Blasucci, Ms. Kane and Mr. Wentz

Chairman Papp announced to the Board that Mr. Wentz has resigned from the Planning Board due to time constraints of a heavy workload from his current job. Chairman Papp stated that the Board would be happy to have Mr. Wentz return in the future when more time could be dedicated to the Board.

MEMORIALIZATIONS

The Board considered the memorialization of the resolution for 200 Bridlemere Avenue.

200 Grasmere Avenue

Block 5/Lots 1,2 & 19

Santoro

Removal of garage and construct new garage with related improvements

**BOROUGH OF INTERLAKEN PLANNING BOARD
RESOLUTION GRANTING VARIANCE TO
SANTORO RESIDENCE
200 GRASMERE AVENUE
INTERLAKEN, NEW JERSEY**

WHEREAS, CHARLES SANTORO, hereinafter referred to as “Applicant”, is the owner of certain property known as Block 5, Lots 1, 2 and 19 on the official tax map of the Borough of Interlaken, which property is located at 200 Grasmere Avenue in the Borough of Interlaken, County of Monmouth, an State of New Jersey; and

WHEREAS, said Applicant has requested approval from the Planning Board for the construction of a detached garage, patio, and a new driveway; and

WHEREAS, said property is located in the R-B Single Family Residential Zone of the Borough of Interlaken. A single-family dwelling is a permitted principal use in this district. The proposed detached garage and patio are permitted accessory uses; and

WHEREAS, in order to construct the detached garage, patio and a new driveway, variances are required because the Ordinance provides that a non-conforming lot or building may not be altered or enlarged unless the enlargement does not violate any yard setback or lot coverage requirements; and

WHEREAS, the Applicant received a denial from the Zoning Officer indicating that the improvements require variances for the location of the garage and building height of the garage; and

WHEREAS, after proper notice, a public meeting on the within application was held on May 17, 2021 at the Interlaken Borough Hall; and

WHEREAS, the Board has considered the reports of the Board Engineer, Peter R. Avakian P.E., P.P., dated May 3, 2021, and the testimony of the Applicant, and the documents and exhibits presented in support of the application; and

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

1. The Applicant is the owner of Block 5, Lots 1, 2 and 19 in the Borough of Interlaken, County of Monmouth and State of New Jersey.

2. The property is a curved corner lot and measures approximately 100 feet in width by approximately 245 feet in depth, with an area totaling 22,216 square feet. The property is located at the southwest corner of Grasmere Avenue and Windemere Avenue.

3. The minimum lot area permitted per the zoned district is 12,000 square feet. The existing lot area is 22,216 square feet, which conforms.

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

5. The minimum lot depth permitted per the zoned district is 100 feet. This lot is unique and does not have lot depth.

6. The minimum front yard setback permitted per the zoned district is 35 feet. The existing front yard setback is 51.1 feet along Grasmere Avenue frontage and is 47.2 feet along Windemere Avenue frontage.

7. The minimum side yard setback permitted per the zoned district is 8 feet. The existing side yard setback is 8 feet, which conforms.

8. The minimum rear yard setback permitted per the zoned district is 20 feet. This lot is unique and does not have a rear yard setback.

9. The maximum building area coverage permitted per the zoned district is 25% of the lot area. The existing building coverage is 11.3%, which conforms. The Applicant is proposing a building coverage of 12.0%, which conforms.

10. The maximum impervious surface area permitted per the zoned district is 45%. The existing impervious coverage is 24.2%, which conforms. The Applicant is proposing an impervious coverage of 34.0%, which conforms.

11. The Applicant is proposing the detached garage and patio in the front yard, which is not allowed. A variance is required. The Board finds that due to the uniqueness of the Property which has 3 front yards and the proposed location of the garage and patio, that the variance can be granted.

12. The maximum building height for an accessory structure (detached garage) is 15 feet. The Applicant is proposing a building height of 17.72 feet. A variance is required. The Board agrees with the testimony by Applicant's architect that the building height for the garage is consistent with that of the existing home and that the added height will add to an aesthetically garage.

13. No driveway shall be constructed closer than 5 feet to any adjoining lot line. The Applicant is proposing a setback of 8 feet from the side property line, which conforms.

14. All driveways shall be a paved surface consisting of brick, stone, concrete or asphalt, providing vehicular access to a street. The Applicant is proposing a gravel driveway, which is not a paved surface. The final decision on the type of surface shall be made by the Board Engineer.

15. Fences in a residential type zone (R-A, R-B), may be erected, altered or reconstructed to a height not exceeding five feet above ground level when located to the rear of the front building line. Fences in no event shall be erected, permitted or otherwise located in front of the building line or in the front yard, or in the case of a corner lot, or any lot more than one side of which borders any street, in or along any yard abutting a street. The Applicant is proposing a fence in the front yard. A variance is required.

The Applicant had originally proposed a board-on-board fence. At the hearing, the Applicant agreed to construct a fully conforming fence along the western perimeter of the lot as more specifically indicated by the Applicant's engineer at the hearing. The Applicant agreed to submit a revised plan , to A-2 submitted at the hearing, subject to the review and approval of the Board Engineer.

16. The Board had expressed concern at the hearing about the width on the driveway on the eastern most entrance to the proposed garage Applicant stipulated at the hearing that the revised plan submitted to the Board Engineer would include a reduced width at the curb cut from 24 feet to 15 feet which may be feathered to 24 feet at the location of intersection of the driveway with the eastern edge of the garage. The new alignment is subject to the approval of the Board Engineer.

WHEREAS, the Board finds that the variances requested can be granted based on the flexible standards of N.J.S.A. 40:55D-7—c.(2) and that the positive and negative criteria have been proven as set forth in the Board's findings of fact set forth herein and as set forth in the proofs on the record; and

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Interlaken that the application for variances pursuant to N.J.S.A. 40:55-D:70c-2 to construct a detached garage, patio, and a new driveway, in accordance with the application submitted, as amended and approved as set forth in this Resolution is granted based on the satisfaction of the positive criteria and the Board's conclusion

that the relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance, and subject to the following conditions:

A. The submittal of a revised site plan to A-2, which reduces the width of the eastern driveway entrance to 15 feet which may be feathered to 24 feet at the location of intersection with the eastern edge of the garage, and which provides for a conforming fence along the length of the western border of the property in the location indicated at the hearing, all subject to the approval of the Board Engineer.

B. The submission of a detailed landscaping plan for plantings along the western boundary of the lot, subject to the approval of the Board Engineer.

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 property building permits for construction, and construction in accordance with the documents marked at the hearings, and removal of the existing garage, and in compliance with the testimony and stipulations of the Applicant and the Applicant's expert at the hearing.

F. Compliance with all conditions set forth in this Resolution, and also satisfying the general comments section of the Board Engineer's report dated May 3, 2021.

G. Subject to the Applicant applying to the Borough Tax Assessor and having the three lots for the subject property merged of record.

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

I. Pursuant to Ordinance Section 25-3, Applicant shall have one year from the date of this Resolution to start construction, otherwise this variance approval shall expire one year from the date hereof.

J. The Applicant must comply with all representations made on the record.

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 Applicants 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 May 19, 2021.

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

ROLL CALL:

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

Mr. Tilton noted that the resolution does not specifically state that the current garage would be removed and noted that the application did not request the demolition of the current garage.

Vice Chairwoman Umfrid stated that the applicant's attorney, Mr. Brodsky, made comment that the current garage would be demolished during the hearing. The comments were documented within the minutes.

Board Attorney Brown stated that the resolution may be amended to include the garage demolition.

Mr. Tilton made motion to amend the resolution to include garage demolition, seconded by Vice Chairwoman Umfrid, carried.

Roll Call:

In Favor: Chairman Papp, Vice Chairwoman Umfrid, Mr. Tilton, Mr. Wasilishen
and Ms. Heinz

Opposed: None

Abstained: None

Ineligible: Ms. Kapp

Absent: Councilman Butler, Ms. Dalton, Mr. Weaver, Mr. Blasucci and Ms. Kane

UPON MOTION of Mr. Tilton, seconded by Vice Chairwoman Umfrid, carried, the application was memorialized:

In Favor: Chairman Papp, Vice Chairwoman Umfrid, Mr. Tilton, Mr. Wasilishen and Ms. Heinz

Opposed: None

Ineligible: Ms. Kapp

Abstain: None

Absent: Councilman Butler, Ms. Dalton, Mr. Weaver, Mr. Blasucci and Ms. Kane

The Board considered the memorialization of the resolution for 302 Windermere Avenue.

302 Windermere Avenue

Block 10/Lot 38

McEvily

**BOROUGH OF INTERLAKEN PLANNING BOARD
RESOLUTION DENYING VARIANCE APPROVAL TO
BRIAN AND EMILY McEVILY
302 WINDERMERE AVENUE
INTERLAKEN, NJ**

WHEREAS, BRIAN AND EMILY McEVILY, hereinafter referred to as “Applicant”, are the owners of certain property known as Block 10, Lot 38, on the official tax map of the Borough of Interlaken, which property is located at 302 Windermere Avenue in the Borough of Interlaken, County of Monmouth, and State of New Jersey (“The Property”); and

WHEREAS, the Applicant has requested permission to remove the two-story garage and construct a new two-story garage apartment; and

WHEREAS, a denial from the Zoning Official has been received by the Applicant indicating that the improvements require variances for yard encroachments, number of principal dwellings, accessory use and driveways; and

WHEREAS, after proper notice, a public meeting on the within application was held on May 17, 2021 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 March 29, 2021, an architectural plan consisting of three (3) sheets prepared by Stephen J. Carlidge, AIA of Shore Point Architecture, P.A., dated January 14, 2021 and a survey of the property consisting of one (1) sheet prepared by Charles Surmonte, P.E., P.L.S., dated February 4, 2020; and

WHEREAS, the Board carefully considered the evidence and documents presented to it, by or on behalf of the Applicant, together with the comments of the Borough’s Planner/Engineer at the hearing and the testimony of property owners voiced at the public hearing; and

WHEREAS, after carefully considering all the evidence presented to it, the Board has made the following findings of fact:

1. The Applicant is the owner of Block 10, Lot 38 in the Borough of Interlaken, County of Monmouth and State of New Jersey.

2. The Property is an irregular shaped lot and measures 100 feet in width by 250 feet in depth, with an area totaling 24,990 square feet. The site is currently occupied by a one and a half story single family dwelling. 3. The Applicant has requested permission to remove the two-story garage and construct a new two-story garage apartment.

3. The existing principal dwelling on the Property is a conforming structure because: (1) the minimum side yard setback for a single family dwelling is 15 feet, and the existing side yard setback is 20.7 feet on the east side and 20.8 feet on the west side. The existing side yard setback conforms.6. The proposed garage apartment is a principal building and shall comply with the principal building side yard setbacks. The Applicant is proposing a side yard setback of 6.0 feet on the east side and 71 feet on the west side. A variance is required for the east side yard setback.

4. The minimum rear yard setback for a single family dwelling is 30 feet, and the existing rear yard setback is 100.5 feet, which conforms.8.

The proposed garage apartment is a principal building and shall comply with the principal building rear yard setback. The Applicant is proposing a rear yard setback of 5 feet. A variance is required.

5. The minimum lot area permitted per the zoned district is 15,000 square feet. The existing lot area is 24,900 square feet, which conforms.

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

7. The minimum lot depth permitted per the zoned district is 150 feet. The existing lot depth is approximately 250 feet, which conforms.

8. 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 did not provide mapping

of the average front yard setback by a surveyor. The existing front yard setback is 84 feet, which conforms.

The Applicant is proposing a front yard setback of 113 feet, to the proposed garage apartment, which conforms.

9. The maximum building area coverage permitted per the zoned district is 25% of the lot area. The existing building coverage is 12.7%, which conforms. The Applicant proposed a building coverage of 15.1%, which conforms.

10. The maximum impervious surface area permitted per the zoned district is 45% of the lot area. The existing impervious coverage is 33.7%, which conforms. The Applicant proposed an impervious coverage of 36.1%, which conforms.

11. No driveway shall be constructed closer than 5 feet to any adjoining lot line. The existing driveway is a shared driveway with Lot 37, which represents an existing non-conformity.

12. In accordance with Section 26-20 there shall not be more than one principal building erected on any lot. The Applicant is proposing a second principal building, which creates a multi-family lot.

13. This application requires a use variance pursuant to N.J.S.A. 40:55D-70.d(1). To obtain a D(1) use variance, the Applicant must show that the proposal meets four separate criteria:

1) Positive Criteria

- a. That the site is particularly suited to the use. The Applicant must prove that the site is particularly suited for the proposed use. This requirement sets a high bar, requiring findings that a general welfare is served because the use is particularly fitted to the proposed location of the use. It requires the Applicant to show why the location of the site within the Borough is particularly suited for the proposed

use despite the underlying zoning, or the unique characteristics of the site that make it particularly appropriate for the proposed use rather than a permitted use. The Board finds that the Applicant has not met this burden.

- b. Special Reason. The Applicant must prove that special reasons exist for granting the use variance by demonstrating either that there is an unreasonable hardship in not granting the variance, or that the proposed project furthers one or more of the purposes of the Municipal Land Use Law. The Board finds that the Applicant has not met either of these burdens of proof.

2) Negative Criteria

- a. The variance will not substantially impair the intent and purpose of the zoning plan and ordinance. The Applicant must prove that the proposal does not substantially impair the intent of the zoning ordinance or master plan. This criterion comes out of the basic principle that municipalities should make zoning decisions by ordinance rather than by variance, and that the grant of a variance should not represent a complete departure from the enacted policy of the governing body. The Board finds that the Applicant has not met the burden of proof.
- b. The variance can be granted without a substantial detriment to the public good. This requires an evaluation of the impact of the proposed use on surrounding properties and determination as to whether or not it causes such damage to the character of the neighborhood as to constitute a substantial detriment to the public good. The Board finds that the Applicant has not met the burden of proof.

14. The existing garage apartment has been in existence since approximately 1919.

The existing garage was built at the same time as the main house in the back corner of the lot.

15. The existing structure in question is a two-story existing garage with living space on the second floor. The existing plans show that it is a three-car garage with two bedrooms, living room, kitchen and full bath on second floor.

18. The Board accepts the Applicant's contentions that the garage apartment was continuously occupied up until approximately the last two years. The Applicant's father stated that he spoke with Borough Clerk/Administrator who verbally advised apparently that the existing apartment in the garage is legal.

16. The new proposed apartment is above a new garage. The proposed apartment is proposed as a studio with a balcony porch at the rear of the structure. The height to the existing structure is 23'8". The proposed garage apartment height would be 26'10".

17. The Board Engineer/Planner stated at the hearing that the Applicant is requesting the removal of a garage apartment. Because the apartment is being removed, the proposed garage apartment becomes a second principal building on a single lot. There is the home and a second physical dwelling. The current use of the stand-alone garage and apartment would not exist. The application is not to renovate the existing garage but for a variance to add a structure that is viewed as a second principal structure on the Property. What is being asked is contrary to the Borough Zoning ordinances. In fact, the accessory use in this situation is being used as a primary principal structure. The rear and side yard setbacks do not comply with the intent of the Borough Zoning Ordinance.

18. The Applicant's Architect stated that the present garage apartment is not structurally unsound were it to maintain its current configuration.

19. The Applicant failed to prove that the current garage apartment could not be renovated on the current footprint or that it required a tear down.

20. The Applicant's Architect contended that the current structure could not accommodate the proposed balcony so the new structure is being proposed to add the balcony. The Applicant's Architect contended that the balcony could not be included if the garage remains in the same location as that would exceed rear line setbacks. The Board finds that not being able to add the balcony without relocating is not a reason to grant a D variance here.

21. The proposed project could be contained within the existing walls of the garage apartment and not include a balcony.

22. The Applicant failed to prove that the current garage apartment cannot be renovated in a style similar that of the newly renovated front house. 26. Based on the testimony and other evidence presented, the Board finds that the conditions for the granting of a variance for the proposed garage under N.J.S.A. 40:55D-70(d) have not been met by the testimony and presentation of other evidence by the Applicant or testimony on behalf of the Applicant. The Board's findings are as set forth on the record and as may be determined by a review of the record as a whole.

23. Based on the testimony and other evidence presented, the Board finds that the conditions for the granting the requisite bulk variances required by Applicant for the proposed garage under N.J.S.A. 40:55D-70(c)(1) and/or (2) have not been met by the testimony and presentation of other evidence by the Applicant or testimony on behalf of the Applicant. The Board's findings are as set forth on the record and as may be determined by a review of the record as a whole.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Interlaken that the application for the use variance and bulk variances for removal of the old and

construction of a new detached two-story garage apartment pursuant to N.J.S.A. 40:55D-70(c) and N.J.S.A. 40:55D-70(d) is hereby denied.

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 Applicants 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 May 17, 2021.

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

ROLL CALL:

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

Opposed: Chairman Papp, Vice Chairwoman Umfrid and
Mr. Wasilishen

Abstained: None

Ineligible: Councilman Butler, Mr. Blasucci, Ms. Kane,
Mr. Wentz and Ms. Kapp

Absent: None

Mr. Tilton stated that there are several small typographical corrections required in the resolution.

Mr. Tilton also stated that there are additional suggestions regarding the resolution. The garage is a 2.5 story and is listed in the resolution as a two-story. Mr. Tilton recommends that the wording be changed to reflect that the status of the original garage, including when it was built and the legality of the tenancy was testified to, but not accepted by the Board.

There was no public present at the time of the vote.

Mr. Wasilishen made motion that the resolution be amended, seconded by Mr. Wasilishen, carried.

In Favor: Chairman Papp, Vice Chairwoman Umfrid and Mr. Wasilishen

Opposed: None

Ineligible: Ms. Kapp

Abstain: None

Absent: Councilman Butler, Ms. Dalton, Mr. Weaver, Mr. Blasucci and Ms. Kane

Board Attorney Brown noted that the vote is set up as an affirmative resolution of the denial, so only those that voted against the variance would vote to memorialize the resolution

UPON MOTION of Mr. Wasilishen, seconded by Vice Chairwoman Umfrid, carried, the application was memorialized:

In Favor: Chairman Papp, Vice Chairwoman Umfrid and Mr. Wasilishen

Opposed: None

Ineligible: Ms. Kapp

Abstain: None

Absent: Councilman Butler, Ms. Dalton, Mr. Weaver, Mr. Blasucci and Ms. Kane

UPON MOTION of Mr. Wasilishen, seconded by Mr. Tilton, carried, adjourned the meeting.

In Favor: Chairman Papp, Vice Chairwoman Umfrid, Mr. Tilton, Mr. Wasilishen, Ms. Heinz, and Ms. Kapp

Opposed: None

Ineligible: None

Abstain: None

Absent: Councilman Butler, Ms. Dalton, Mr. Weaver, Mr. Blasucci and Ms. Kane

Absent: None