

**BOROUGH OF INTERLAKEN
MINUTES- PLANNING BOARD
MARCH 17, 2014, 7:30 P.M.
BOROUGH HALL, 100 GRASMERE AVE**

An organizational meeting of the PLANNING BOARD of the Borough of Interlaken, Monmouth County, New Jersey was held on March 17, 2014 at 7:30 p.m. in the Borough Hall.

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

ROLL CALL:

Present: Chairman Gunn, Ms. Dalton, Mr. Miller, Mr. Papp, Mr. Tilton, Ms. Umfrid
Absent: Mr. Franks, Mr. Menditto, Mr. Wasilishen
Also Present: Sanford Brown, Board Attorney, Borough Engineer, Peter Avakian

UPON MOTION of Mr. Papp, seconded by Ms. Dalton, carried, the Board approved the minutes of February 17, 2014 meeting.

An application had been presented to the Board at their February 17, 2014 meeting requesting to allow a pergola to remain. The Applicant filed an application in 2011 and an amended application in 2013, in the later seeking the reversal of the Zoning Officer's determination in 2011 or in the alternative for a bulk variance or for a use variance on the property known as Block 10, Lot 27.

**BOROUGH OF INTERLAKEN PLANNING BOARD
RESOLUTION GRANTING VARIANCE APPROVAL TO ELI YEDID**

WHEREAS, ELI YEDID, hereinafter referred to as "Applicant", is the owner of certain property known as Block 10, Lot 27 on the official tax map of the Borough of Interlaken, which property is located at 502 Windermere Avenue in the Borough of Interlaken, County of Monmouth, and State of New Jersey; and

WHEREAS, said Applicant has requested approval to maintain the wood pergola in the rear yard; and

WHEREAS, said property is located in the R-A Single Family Residential Zone of the Borough of Interlaken; and

WHEREAS, in order to allow the pergola to remain, the Applicant filed an Application in 2011 and an Amended Application in 2013 the later seeking the reversal of the Zoning Officer's determination in 2011 or in the alternative for a bulk variance or for a use variance; and

WHEREAS, after proper notice, a public meeting on the within application was held on February 17, 2014 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 December 14, 2011, and the testimony of the Applicant's Planner, and the documents and exhibits presented in support of the application and comments from a member of the public 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 10, Lot 27 in the Borough of Interlaken, County of Monmouth and State of New Jersey.

2. The property is irregular in shape measuring 100 feet in width by approximately 370 feet in depth. The property contains an area totaling 40,850 square feet. The site is currently occupied by a single family dwelling.

3. The Applicant constructed a pergola in the rear yard without any approvals. The Zoning Officer issued a zoning violation notice to the Applicant dated August 10, 2011. The violation related to construction of a non-permitted structure and construction without the required approval from the DEP in the restricted 50 feet riparian buffer zone.

4. The minimum side yard setback permitted per the zoned district is 15 feet. The existing east side yard setback for the Principal structure is 9.0 feet and the west side yard setback is 6.0 feet, which both are existing non-conformities. The existing driveway is located

within 0.5 feet of the west property line where a minimum setback of 5 feet is permitted. This represents an existing non-conformity.

5. This matter first came before the Board in 2011 but it was determined that the Applicant needed to receive approvals from DEP for the continuance of the pergola within the riparian zone and also for the continuance of a floating dock and for the construction of a retaining wall. The DEP application was granted in February 2013 and the Board was advised of its approval later in 2013 at which time the matter was rescheduled with the agreement of the Applicant and the Board that the hearing would start anew in light of the time which had passed and the new composition of the Board membership.

6. The Applicant has provided a NJDEP permit for Flood Hazard Area Verification, and Individual Permit, Numbers 1320-08-0001.1 HFA 120001 and 1320-08-001.1 HHA 120002 respectively, which permits the continuance of the pergola, a retaining wall and a floating dock and which Permit includes a Permit Plan by Charles Surmonte, dated July 25, 2012 and last revised December 14, 2012, entitled, "NJDEP FLOOD HAZARD AREA PERMIT PLAN LOT 27 BLCOK 10 BORUGH OF INTERLAKN MNOMOUTH COUNTY NEW JERSEY, Sheet 1 of 1." The Permit required filing the Permit and the construction of a retaining wall along with numerous new shrubbery along the rear lot line area.

7. The Applicant provided testimony satisfactory to the Board that under the fact sensitive analysis of "permitted accessory use", that the pergola can be implicitly considered included even though the Ordinance does not mention such a structure. This is not to say that the Zoning Officer was incorrect in making his 2011 decision. Rather the Board finds that it was necessary for it to make the discretionary decision that this particular structure can be considered as being permissive only after consideration of the testimony provided at the hearing.

8. The Applicant properly withdrew his request for additional relief in that no bulk variances were required to permit the continued use of the pergola in its present location, and based on representations that the DEP permit had been issued and properly complied with.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Interlaken that it finds that the existing pergola is a permitted accessory use as implied under the Interlaken Ordinance and therefor the Application for that particular relief is hereby approved based on Applicant's proofs and the testimony by others at the hearing, subject to the following conditions:

A. Applicant shall comply with all representations made at the hearings by the Applicant's representatives/ professionals.

B. Applicant shall comply with all provisions of the DEP Permit dated February 26, 2013 including any recording requirements thereunder and all grading, bank stabilization and planting of proposed shrubs per the Permit Plan by Charles Surmonte, dated July 25, 2012 and last revised December 14, 2012, entitled, "NJDEP FLOOD HAZARD AREA PERMIT PLAN LOT 27 BLCOK 10 BORUGH OF INTERLAKN MNOMOUTH COUNTY NEW JERSEY, Sheet 1 of 1" and this full compliance shall be verified by the Applicant to the Board Engineer no later than the expiration of the DEP permit and for failure to so comply, this Resolution shall be void as to compliance with DEP.

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 in compliance with the testimony and stipulations of the Applicant at the hearing;

F. Compliance with all conditions set forth in this Resolution;

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

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 March 17, 2014.

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

ROLL CALL:

In Favor: Chairman Gunn, Ms. Dalton, Mr. Miller, Mr. Tilton

Opposed: None

Ineligible: Mr. Papp, Ms. Umfrid

Absent: Mr. Franks, Mr. Wasilishen, Mr. Menditto

The Board discussed the contract with James W. Higgins, Planner, and the priority of the Zoning Ordinance Revisions listed in the contract.

The Board agreed that it would be beneficial for the Planner to attend the next meeting to discuss the report submitted by Allison Coffin, PP, AICP provided on January 9, 2014.

The Board had a discussion regarding the fees and the balance of the funds left on the contract.

Ms. Umfrid and Mr. Miller agreed that the Board may want to focus on one subject at a time with Planner Coffin to move the project along efficiently, in light of the limited contract/project funds.

Board Secretary Kneser was asked to contact Planner Coffin to get the status/details on the available funds of the contract.

Borough Attorney Brown led an informative workshop discussion covering topics suggested by Planning Board members in advance of the meeting. Borough Attorney Brown answered specific questions and touched on a wide variety of topics including: Open Public Meetings Act, conditions of recusing oneself from an application, the relation between the Planning Board and Borough Council, deliberation of applications, subdivisions, garage apartments and fences.

Mr. Miller asked that a discussion about raising escrow fees be added to the agenda for next meeting.

The Board asked that Planning Secretary Kneser collect information from neighboring municipalities pertaining to their Escrow fees.

Chairman Gunn asked, if there was any public comment. There was no public comment.

There being no other business, UPON MOTION of Ms. Dalton, seconded by Mr. Papp, carried, the meeting was adjourned.

Approved: _____
John Gunn, Chairman

Attest: _____
Gina Kneser, Secretary