

**BOROUGH OF INTERLAKEN
MINUTES- PLANNING BOARD
MARCH 19, 2018 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 March 19, 2018 at 7:30 p.m. in the Borough Hall.

Vice Chairwoman Umfrid 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: Vice Chairwoman Umfrid, Ms. Heinz, Mr. Menditto, Mr. Wasilishen and Ms. Gatsch

Also Present: Planning Board Attorney Representative Nick Falcone and Planning Board Secretary Gina Kneser

Absent: Chairman Papp, Councilman Gunn, Ms. Dalton, Mr. Tilton, Mr. Weaver and Ms. Kane

UPON MOTION of Mr. Wasilishen, seconded by Mr. Menditto, carried, the Board approved the minutes of February 26, 2018 meeting.

ROLL CALL:

In Favor: Vice Chairwoman Umfrid, Ms. Heinz, Mr. Menditto, Mr. Wasilishen and Ms. Gatsch

Opposed: None

Ineligible: None

Abstain: None

An application had been presented to the Board at their February 26, 2018 meeting on the property known as Block 8, Lots 9.02 and 10.

**BOROUGH OF INTERLAKEN PLANNING BOARD
RESOLUTION WITH VARIANCES
TO ROBERT AND MAGGIE KOAR, 518 GRASSMERE AVENUE**

WHEREAS, ROBERT AND MAGGIE KOAR, hereinafter referred to as "Applicant", are the owners of a certain property known as Block 8, Lots 9.02 and 10, on the official tax map of the Borough of Interlaken ("Property"), which Property is located at 518 Grassmere Avenue in the Borough of Interlaken, County of Monmouth, and State of New Jersey; and

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

WHEREAS, a denial from the Zoning Official has been received by the Applicant dated December 8, 2017 indicating the application seeks to extend the side yard setbacks and the home is already into the side yard setbacks on the north and south sides; and

WHEREAS, Applicant is requesting approval for the construction of a first and second floor addition with a new detached garage and driveway, with the existing garage to be removed; and

WHEREAS, after proper notice, a public meeting on the within application was held on February 26, 2018 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 February 15, 2018, and the documents and exhibits presented in support of the application, and comments of the public;

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

1. The Applicant is the owner of Block 8, Lots 9.02 and 10 on the current tax map of the Borough of Interlaken, County of Monmouth and State of New Jersey.

2. The property is rectangular in shape, measuring approximately 75 feet in width and 164+/- feet in depth. The property contains an area totaling 12,322 sq. ft.

3. The Applicant is requesting approval from the Planning Board for the construction of a first and second floor addition with a new detached garage and driveway. The existing garage is to be removed.

4. A denial from the Zoning Official has been received by the Applicant indicating that the improvements require a variance for side yard setback.

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

6. The minimum lot area permitted per the zoned district is 15,000 square feet. The existing lot area is 12,322 square feet, and the undersized lot represents an existing non-conformity.

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

8. The minimum lot depth permitted per the zoned district is 150 feet. The existing lot depth is 164.29 feet, which conforms.

9. The minimum front yard setback permitted per the zoned district is 50 feet except that no building shall be nearer to the street than the average alignment of existing buildings within 200 feet of each side of the lot and within the same block. The existing front yard setback on Grassmere Avenue is 34.7 feet to the first floor, which represents an existing non-conformity.

The existing front yard setback along Barra Street is 24.7 feet to the covered porch and 32.4 feet to the dwelling, which both represent an existing non-conformity.

The proposed front yard setback along Grassmere Avenue is 34.7 feet to proposed covered porch and 37.6 feet to the second floor addition. A variance is required. The proposed front yard setback along Barra Street is 24.7 feet to the proposed enclosed porch and 32.4 feet to the second floor addition. A variance is required.

10. The minimum side yard setback permitted per the zoned district is 15 feet. The existing side yard setback is 7.3 feet, which represents an existing non-conformity.

The Applicant is proposing a side yard setback of 9.0 feet to the second story addition. A variance is required.

11. The minimum rear yard setback permitted per the zoned district is 30 feet. The Applicant is proposing a rear yard setback of 80 feet, which conforms.

12. The maximum building area coverage permitted per the zoned district is 25% of the lot area. The Applicant is proposing a building coverage of 18.4%, which conforms.

13. The maximum impervious surface area per the zoned district is 45%. The Applicant is proposing an impervious coverage of 31.5%, which conforms.

14. The maximum building height permitted per the zoned district is 35 feet. The Applicant is proposing a building height of 34.47 feet, which conforms.

15. An accessory structure requires a minimum setback of 5 feet from the side and rear property lines. The proposed detached garage on the variance/grading plan indicates a side yard setback of 5.1 feet and a rear yard setback 6.0 feet. The architectural plot plan indicates a side yard setback of 5.02 feet and a rear yard setback of 5.02 feet. The Applicant needs to clarify prior to receiving permit. Neither calculation requires a variance.

16. The maximum building height for an accessory structure is 15 feet. The Applicant is proposed a building height of 14.87 feet, which conforms.

17.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Interlaken that the application for variance approval pursuant to N.J.S.A. 40:55D-70(c)(2)(flexible "c" standards) be and is hereby approved, in that as to this particular Property the benefits of the deviation will substantially outweigh any detriment of not granting said variances based on Applicant's proofs that sufficient reasons exist for the same, as stated through an offer of proof by the Applicant's architect on behalf of the Applicant and their experts that the improvements are aesthetically pleasing; and also based on that the relief can be granted without substantial detriment to the public good because there are no architectural or visual negatives caused by the existing improvements and the finding that the improvements will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance of the Borough of Interlaken, but subject to the following conditions:

A. Applicant shall have the plans revised to add a general note that the existing curb and sidewalk along the frontage will be replaced if found in poor condition.

B. The Borough construction official, and the Borough engineer at the discretion of the construction official, will be available to monitor the proper grading of the property, if necessary.

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 proper building permits for construction, and construction in accordance with the documents marked at the hearings, and in compliance with the testimony and stipulations of the Applicant at the hearing.

F. Compliance with the requirements of all governmental agencies having jurisdiction over the development of the Property.

G. Pursuant to Ordinance Section 25-3, Applicant shall have one year from the date of this Resolution to start construction; otherwise this variance approval shall expire, and once issued, the Applicant shall continue to complete the construction in a commercially reasonable time frame.

H.

BE IT FURTHER RESOLVED that a copy of this Resolution, certified by the Secretary of the Planning Board of the Borough of Interlaken to be a true copy, be forwarded to the Borough Construction Official, the Borough Clerk, the Borough Tax Assessor and Collector and the Applicant herein; and

BE IT FURTHER RESOLVED that this Resolution shall serve as one of memorialization of the action taken by this Board at its meeting on February 26, 2018.

The foregoing Resolution was offered by Ms. Heinz and seconded by Councilman Gunn and adopted on Roll Call by the following vote:

ROLL CALL:

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

Ms. Heinz made comment that she did not believe that the resolution, as presented, represented the intent of the discussion at the hearing in regards to the Borough Engineer's monitoring of the project.

The Board discussed the resolution.

Board Attorney Brown noted that he was not in attendance at the referenced hearing. His representative Nick Falcone was present. Board Attorney Brown, after review with Mr. Falcone, believes the concept of the resolution was to make it discretionary, so that adjacent property owners could trigger an inspection. The resolution stated that the Construction Official and the Borough Engineer, at the Construction Official's discretion, would monitor the proper grading of the property. If it is the Board's desire to specify that the Borough Engineers office should be there from day one, they may put that in the resolution.

Ms. Gatsch questioned the costs to the resident.

Board Secretary Kneser stated that she did not believe there would be a fee to the property owner, if the Construction Official asks the Borough Engineer's assistance during the project and stated that the Construction Official has the power to require the property owner to remedy an adverse condition to neighboring properties caused by the construction of the site.

Board Secretary Kneser questioned how it is to be determined when the Engineer's office would go out to the site to make the inspections. The grading plan that was submitted with the application was reviewed and approved by the Engineer's office. The resolution is vague regarding the timing of the inspections by the Engineer's office.

Ms. Umfrid noted that there is currently a considerable water issue.

Board Attorney Brown stated that the minutes reflect what Councilman Gunn was requesting, that someone with real expertise would monitor the project.

Ms. Heinz feels that the matter of discretion pertaining to when the Engineer monitors the project is vague in the resolution.

Board Attorney Brown noted that there is no question that the project should be monitored by the Construction Official. The Construction Official will not be dismissive, should there be a concern of the adjacent homeowners. There are points in the construction process that the grading will be worse than the preconstruction activity. That is temporary and not the "as built"

or the condition upon completion. The intent is what the project is going to be when it is done. The Board can leave it to the discretion of the Construction Official who will bring in the Engineers Office, if necessary. The wording of the resolution is not overly taxing to the Engineer's office. The Construction Official can give some reasonable credence to the concern.

Board Secretary Kneser stated that the Construction Official is very attentive. There have been previous instances in the Borough that have been mitigated.

Board Secretary Kneser stated that she spoke to Borough Engineer, Peter Avakian. He is aware of the concern of the Board.

UPON MOTION of Mr. Menditto, second by Mr. Wasilishen, carried, the resolution was memorialized.

ROLL CALL:

In Favor: Ms. Heinz, Mr. Menditto, Mr. Wasilishen, and Ms. Gatsch

Opposed: None

Ineligible: None

Abstain: Vice Chairwoman Umfrid

Absent: Chairman Papp, Councilman Gunn, Mr. Tilton, Ms. Dalton, Mr. Weaver and Ms. Kane

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

ROLL CALL:

Present: Vice Chairwoman Umfrid, Ms. Heinz, Mr. Menditto, Mr. Wasilishen and Ms. Gatsch

Also Present: Planning Board Attorney Representative Nick Falcone and Planning Board Secretary Gina Kneser

Absent: Chairman Papp, Councilman Gunn, Ms. Dalton, Mr. Tilton, Mr. Weaver and Ms. Kane

In Favor: Chairman Papp, Councilman Gunn, Chairwoman Umfrid, Ms. Dalton, Ms. Heinz, Mr. Menditto, Mr. Tilton, Mr. Wasilishen, Mr. Weaver, Ms. Gatsch and Ms. Kane

Approved: _____
Mr. Papp, Chairman

Attest: _____
Gina Kneser, Secretary