

**BOROUGH OF INTERLAKEN
MINUTES- PLANNING BOARD
MAY 18, 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 May 18, 2020 at 7:30 p.m. in the Borough Hall.

The meeting got had a late start due to technical difficulties with the online conferencing program used for the remote meeting.

It should be noted that there was one member of the public that joined the meeting without their image available having also muted themselves.

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 MAY 18, 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.”*

. The announcement was followed by the Pledge of Allegiance.

ROLL CALL:

Present: Chairman Papp, Councilman Butler, Ms. Dalton, Ms. Heinz, Ms. Kane, and Mr. Wentz

Late Arrival: Ms. Kapp

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

Absent: Vice Chairwoman Umfrid, Mr. Tilton, Mr. Wasilishen, Mr. Weaver and Mr. Franks

UPON MOTION of Councilman Butler, seconded by Ms. Dalton carried, the Board approved the minutes of April 20, 2020 meeting.

ROLL CALL:

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

Opposed: None

Ineligible: None

Abstain: Mr. Wentz

Absent: Vice Chairwoman Umfrid, Mr. Tilton, Mr. Wasilishen, Mr. Weaver, Mr. Franks and Ms. Kapp

MEMORIALIZATION

An application had been presented to the Board at the April 20, 2020 meeting for and extension to complete improvements

**BOROUGH OF INTERLAKEN PLANNING BOARD
RESOLUTION GRANTING AN EXTENSION TO A PRIOR VARIANCE APPROVAL TO
ELEANOR S. MILAZZO**

WHEREAS, ELEANOR S. MILAZZO, hereinafter referred to as “Applicant”, is the owner of certain property known as Block 27, Lots 1 & 2 on the official tax map of the Borough of Interlaken, which property is located at 701 Fernmere Avenue in the Borough of Interlaken, County of Monmouth, an State of New Jersey; and

WHEREAS, said Applicant has requested an extension in order to complete improvements granted by the Board by Resolution of Memorization dated July 18, 2016 (“2016 Resolution”); and

WHEREAS, under the 2016 Resolution, the Applicant was permitted to construct a one-story addition to the single-family residence; and

WHEREAS, the 2016 Resolution granted variances which were required in order to permit the construction of the proposed addition, because the Ordinance provided that a non-conforming lot or building may not be altered or enlarged unless the enlargement does not violate any yard setback or height requirements; and

WHEREAS, after proper notice, a public meeting on the within application was held on April 20, 2020 at the Interlaken Borough Hall; and

WHEREAS, the Board has considered the 2016 Resolution and the documents submitted to the Board for the immediate application; and

WHEREAS, the Board has reviewed documentation from Municipal Officials confirming that there have been no changes in the Ordinance provisions considered in granting the relief in the 2016 Resolution.

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

1. The Applicant is the owner of Block 27, Lots 1 and 2, and located at 701 Fernmere Avenue, at the corner of Fernmere Avenue and Rona Street, in the Borough of Interlaken, County of Monmouth and State of New Jersey.
2. The property is rectangular in shape, measuring 100 feet in width by 125 feet in depth, and has two (2) frontages. The property contains an area totaling 12,500 square feet. The site is currently occupied by a two-story single-family dwelling.
3. In the 2016 Resolution, The Applicant received approval from the Planning Board for the construction of a one-story addition to the single-family dwelling.
4. The relief granted in the 2016 Resolution was based on the denial from the Zoning Official indicating the proposed addition required a variance for front and side yard setbacks, and existing non-conforming lot depth and lot area.
5. The relevant provisions of the Borough Zoning Ordinance as to the bulk variances granted in the 2016 Resolution have not been changed.
6. The property in question is located in the R-A Single Family Residential Zone of the Borough of Interlaken. A single-family dwelling is a permitted principal use in this district.
7. The minimum lot area permitted per the zoned district is 15,000 square feet. The existing lot is 12,500 square feet, which represents an existing non-conformity.
8. The minimum lot width permitted per the zoned district is 75 feet. The existing lot width is 100 feet, which conforms.
9. The minimum lot depth permitted per the zoned district is 150 feet. The existing lot depth is

125 feet, which represents an existing non-conformity.

10. 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 is 34.5 feet along Rona Street and 34.4 feet along Fernmere Avenue. The front yard setback along Rona Street and Fernmere Avenue represents an existing non-conformity. The Applicant proposed at the hearing leading to the passage of the 2016 Resolution (at the “2016 Hearing”) a front yard setback to the addition of approximately 38.5 along Fernmere Avenue. A variance was required and granted under the 2016 Resolution.

11. The minimum side yard setback permitted per the zoned district is 15 feet. The existing west side yard setback is 27.6 feet, which conforms. The Applicant proposed a side yard setback to the addition of 10.3 feet. A variance was granted under the 2016 Resolution.

12. The minimum rear yard setback permitted per the zoned district is 30 feet. The rear yard is opposite Fernmere Avenue since this is the front lot line. Frontage is that portion of a lot extending along the street line. In the case of a corner lot, the lot line having the shortest distance along the street shall be considered the front line. The existing rear yard setback is 23.5 feet, which represents an existing non-conformity.

13. The maximum building area coverage permitted per the zoned district is 25% of the lot area. The Applicant proposed at the 2016 Hearing, a building coverage of 18.6% as indicated on the architectural plan and 17.4% on the plot plan. The Applicant conformed with the building coverage and the plans granted under the 2016 were to have been revised to eliminate this discrepancy.

14. The maximum impervious surface area permitted per the zoned district is 45%. The Applicant proposed at the 2016 Hearing, an impervious coverage of 28.1% as indicated on the architectural plan and 29.4% on the plot plan at that hearing leading to the 2016 Resolution. The Applicant conformed with the impervious coverage and the 2016 Resolution required that the plans be revised to eliminate the discrepancy.

15. The maximum building height per the zoned district is 40 feet. *Building Height* shall mean the vertical distance measured from the street level to the highest point of the roof. For the purposes of this

calculation, the street level shall be a horizontal line from the crown of the road measured at the midpoint along the frontage facing the architectural fronts of the building of the property in question (Fernmere Avenue). At the 2016 Hearing, the Applicant calculated a building height of 29.23 feet, which conforms.

16. At the 2016 Hearing, the Applicant provided testimony personally, and through her architect, Joseph P. Tomaino, A.I.A., P.P., which the Board found under the 2016 Resolution had satisfied all outstanding issues set forth in Mr. Avakian's report dated June 3, 2016, including clarifying that #1 and #2 of said report were not relevant, and further that no trees were to be removed. Applicant stipulated that the hedges depicted in the photos marked A-1 to the sideline on the west would remain and if they become diseased or are removed by others, Applicant would replace same. The Applicant's Architect testified that the construction of the one-story addition would be consistent with the existing house.

17. The Board found under the 2016 Resolution that the application could be granted permission to allow for the proposed one-story addition with variances for side and front yard setbacks based on Flexible C-2 standards, and that the proposed one-story addition was aesthetically pleasing, and as per the testimony of the Applicant and Applicant's Architect at the 2016 hearing, and based on the forthcoming revised plans which showed the required changes.

In the 2016 Resolution, the Board found that relief could be granted under N.J.S.A. 40:55D-70c(2) to construct a one-story addition in accordance with the application submitted, and on the grounds that the positive criteria was met by showing that the proposed addition would creatively address architectural needs in an aesthetically pleasing manner and on the basis that the relief could be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance, and further that the variances regarding the pre-existing non-conforming structure could be granted because those conditions were not impacted by the proposed new construction and had no detrimental effect to the property, and subject to the following conditions:

- The Applicant provided to the Board for review and approval by the Board Engineer, revised plans to correct the discrepancies as stated therein.

- As testified and agreed to at the 2016 Hearing, no trees were to be removed and if same were

removed by others or for disease, then the Applicant would replant new ones.

- The construction of the one-story addition would be consistent with the type and style of the existing two-story dwelling.

- Compliance with all conditions set forth in the 2016 Resolution, and also satisfying the general comments section of the Board Engineer's report dated June 3, 2016 as required.

18. There are no changes in the Borough Zoning Ordinance which would change the reasons for granting the relief to the Applicant under the 2016 Ordinance.

19. There are no changes in the condition of the Property of the Applicant which would lead the Board to demand additional relief other than as set forth in the 2016 Resolution by the Board.

20. At the immediate virtual hearing, the Applicant and Applicant's Architect, under oath, provided affirmation that the architectural plans and variance relief sought remained unchanged from the 2016 Application.

21. While the Borough Ordinance does not specifically outline a procedure for extending construction of improvements under a resolution granting bulk variances only, the Board finds under the Municipal Land Use Law, analogous provisions dealing with extensions of approval granted under resolutions for major subdivisions and site plans which can and should be applied equitably in order to prevent needless time and testimony if this application had to be submitted and presented as if no relief had been granted under the 2016 Resolution.

22. Under the equities considered and the specific facts before the Board, the general relief requested by the Applicant is granted.

23. The Board finds that it can and does grant a one year extension from April 20, 2020, permitting the Applicant to apply for and receive a construction permit for the improvements permitted under the 2016 Resolution on the condition that the Applicant receives a written approval from the Board Engineer that any and all post 2016 Resolution requirements have been met.

24. For failure of the Applicant to timely obtain the permit under the conditions in the prior paragraph, the extension shall be deemed to automatically be voided, and the Board shall not grant any further

extensions and all relief granted under the 2016 Resolution shall be deemed to have been voided.

25. It is expected that once the construction permit is timely issued, that the Applicant shall work diligently to complete the improvements authorized within a reasonable period of time and ending with the issuance of a final permit.

NOW, THEREFORE, BE IT RESOLVED that,

The Applicant is hereby granted a one-year extension to satisfy the condition of the 2016 Resolution requiring issuance of a building permit for the improvements granted, which extension shall start on April 20, 2020. The Extension is granted based on the full satisfaction of the following conditions:

- A. The Applicant obtain a report from the Board Engineer that all requirements under the 2016 Resolution have been satisfied and that such report be submitted to the Borough Construction Officer before a building permit may be granted.
- B. That other than the extension granted under this Resolution, all of the conditions under the 2016 Resolution remain in full effect and must be fully complied with by the Applicant.
- C. If Applicant fails to obtain the requisite building permit before the end of the year of the extension, all rights granted under the 2016 shall be void.

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, the Board Attorney, 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 April 20, 2020.

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

ROLL CALL:

In Favor: Councilman Butler, Ms. Dalton, Ms. Heinz and Ms. Kane

Opposed: None

Abstained: Chairman Papp, and Mr. Wentz

Ineligible: None

Absent: Vice Chairwoman Umfrid, Mr. Tilton, Mr. Wasilishen, Mr. Weaver, Mr. Franks and Ms. Kapp

The foregoing is a true copy of a Resolution adopted by the Planning Board of the Borough of Interlaken on the 18th day of May, 2020.

Ms. Dalton stated that there has been no word from the Executive Director of the Township of Ocean Sewage Authority, Mr. Schmelling, regarding the landscape plan prepared by Ms. Dalton and submitted on the Board's behalf. Board Secretary Kneser stated that she had not received any updates and would follow up and call Mr. Schmelling.

UPON MOTION of Ms. Heinz, seconded by Councilman Butler, carried, the Board adjourned the meeting.

ROLL CALL:

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

Opposed: None

Ineligible: None

Abstain: None

Absent: Vice Chairwoman Umfrid, Mr. Tilton, Mr. Wasilishen, Mr. Weaver and Mr. Franks

Approved: _____
Mr. Papp, Chairman

Attest: _____
Gina Kneser, Secretary