

**BOROUGH OF INTERLAKEN  
MINUTES- PLANNING BOARD  
NOVEMBER 17, 2025, 7:30 P.M.  
BOROUGH HALL, 100 GRASSMERE AVENUE**

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A meeting of the PLANNING BOARD of the Borough of Interlaken, Monmouth County, New Jersey was held on November 17, 2025, at 7:30 p.m. in the Borough Hall.

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

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ROLL CALL:

Present: Chairman Papp, Councilman Blasucci, Vice Chairwoman Umfrid, Mr. Wasilishen, Ms. Kane, Ms. Kapp, Ms. Cernigliaro and Ms. Heinz

Also Present: Planning Board Attorney Kevin Kennedy, Planning Board Engineer/Planner Peter Avakian and Planning Board Secretary Gina Kneser

Absent: Mr. Tilton, Ms. Dalton

Ms. Kapp noted there was a clerical error and a misspelling to the minutes.

UPON MOTION of Ms. Kapp seconded by Vice Chairwoman Umfrid carried, the Board approved the corrected minutes of the October 20, 2025, meeting.

ROLL CALL:

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

Opposed: None

Ineligible: Chairman Papp, Councilman Blasucci, Ms. Kane and Ms. Cernigliaro

Abstain: None

Absent: Mr. Tilton and Ms. Dalton

MEMORIALIZATION  
300-306 WINDERMERE AVENUE  
Subdivision  
McRAHO,LLC

## **RESOLUTION**

**INTERLAKEN PLANNING BOARD  
McRAHO, LLC  
300-306 WINDERMERE AVENUE  
INTERLAKEN, NJ  
BLOCK 10, LOTS 36-39**

### **Introduction**

**WHEREAS**, representatives of McRAHO, LLC have made Application to the Interlaken Planning Board for the properties designated as Block 10, Lots 36-39, commonly known as 300-306 Windermere Avenue, Interlaken, New Jersey, within the Borough's R-A Zone, for the following Approval: Lot Line Adjustment / Final Minor Subdivision Approval to re-apportion the entirety of existing Lot 37 by merging parts of the same with existing Lot 36, existing Lot 38, and existing Lot 39; and

### **Public Hearing**

**WHEREAS**, the Board held a Public Hearing on October 20, 2025, Applicant having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

### **Evidence / Exhibits**

**WHEREAS**, at the said Hearing, the Board reviewed, considered, and analyzed the following:

- *Development Application Package, introduced into Evidence as A-1;*
- *Statement of Ownership, introduced into Evidence as A-2;*
- *Preliminary and Final Subdivision Plat, prepared by InSite Engineering, LLC, dated November 4, 2024, last revised June 10, 2025, introduced into Evidence as A-3;*
- *Boundary and Topographic Survey, prepared by InSite Surveying, LLC, dated August 10, 2024, last revised June 9, 2025, introduced into Evidence as A-4;*

- *Leon S. Avakian Inc. Review Memorandum, dated September 30, 2025, introduced into Evidence as A-5;*
- *Aerial Rendering, introduced into Evidence as A-6;*
- *Affidavit of Service; and*
- *Affidavit of Publication.*

**Witnesses**

**WHEREAS**, sworn testimony in support of the Application was presented by the following:

- Patrick Ward, Professional Engineer/Professional Planner;
- Jennifer S .Krimko, Esq., appearing.

**WHEREAS**, Peter Avakian, P.E., the Board Engineer, was also sworn with regard to any testimony/information he would provide in connection with the subject Application.

**Testimony and Other Evidence Presented on Behalf of the Applicant**

**WHEREAS**, testimony and other evidence presented by the Applicant revealed the following:

- The Applicant herein, McRAHO, LLC, is a Company formed by the representatives of those individuals who currently Own existing Lot 36, existing Lot 38, and existing Lot 39.
- Block 10, existing Lot 36 is currently Owned by John and Kimberlee Hoyle.
- Block 10, existing Lot 37 is currently Owned by McRAHO, LLC (which, as indicated, consists of representatives of the current Owners of existing Lot 36, existing Lot 38, and existing Lot 39).
- Block 10, existing Lot 38 is currently Owned by Brian and Emily McEvily.
- Block 10, existing Lot 39 is currently Owned by Deron J. and Mary Merla Ramos.

- Existing Lot 36, existing Lot 37, existing Lot 38, and existing Lot 39 are contiguous to each other.
- Existing Lot 37 is an irregularly shaped waterfront flag-type of Lot, which generally extends along the border of existing Lot 36, existing Lot 38, and existing Lot 39.
- Existing Lot 37 contains 37,584 SF.
- Existing Lot 37, an irregularly shaped waterfront flag-type of Lot 15, upon information and belief, a developable/buildable Lot (presumably subject to certain tidelands constraints and other environmental restrictions).
- The Owners of existing Lot 36, existing Lot 38, and existing Lot 39 formed an entity (McRAHO, LLC), and McRAHO, LLC is the current Owner of existing Lot 37.
- The Applicant herein proposes to effectuate a Lot Line Adjustment so that various portions of existing Lot 37 will become part of existing Lot 36, existing Lot 38, and existing Lot 39.
- Thus, existing Lot 36, existing Lot 38, and existing Lot 39 will become larger in size, as a result of absorbing portions of existing Lot 37.
- Details pertaining to the proposal include the following:

**Block 10, Existing Lot 36**

Owner:	John and Kimberlee Hoyle
Physical Address:	306 Windermere Avenue
Existing Lot Area:	39,922 SF
Existing Use:	Single-Family Home
Proposed Use:	Single-Family Home (Existing Single-Family Home to remain as is).
Proposed New Lot Designation:	Lot 36.01
Proposed New Lot Area:	43,119 SF

**Block 10, Existing Lot 38**

Owner:	Brian and Emily McEvily
Physical Address:	302 Windermere Avenue
Existing Lot Area:	29,971 SF
Existing Use:	Single-Family Home
Proposed Use:	Single-Family Home (Existing Single-Family Home to remain as is).
Proposed New Lot Designation:	Lot 38.01
Proposed New Lot Area:	45,501 SF

**Block 10, Existing Lot 39**

Owner:	Deron J. and Mary Merla Ramos
Physical Address:	300 Windermere Avenue
Existing Lot Area:	27,331 SF
Existing Use:	Single-Family Home
Proposed Use:	Single-Family Home (Existing Single-Family Home to remain as is).
Proposed New Lot Designation:	Lot 39.01
Proposed New Lot Area:	46,188 SF

**Block 10, Existing Lot 37**

Owner:	McRAHO, LLC
Physical Address:	304 Windermere Avenue
Existing Lot Area:	37,584 SF
Existing Use:	Vacant
Proposed Use:	Existing Lot 37 will be eliminated
Proposed New Lot Designation:	Existing Lot 37 will be eliminated.
Proposed New Lot Area:	Existing Lot 37 will be eliminated.

- There is no new construction proposed herein.
- There is no proposal to remove any existing trees.
- The Applicant's representatives anticipate perfecting the Subdivision via Plat.

- The Subdivision will be perfected in accordance with the timeframes as set forth in NJ law.

### **Variances**

**WHEREAS**, the Application as presented does not require Approval for any new Variances.

### **Public Comments**

**WHEREAS**, no members of the public presented any comments, questions, statements, and/or concerns regarding the Application.

### **Findings of Fact**

**NOW, THEREFORE, BE IT RESOLVED**, by the Planning Board of the Borough of Interlaken, after having considered the aforementioned Application, plans, evidence, and testimony, that the Application is hereby **granted/Approved with Conditions**.

In support of its decision, the Planning Board makes the following Findings of Fact and Conclusions of Law:

1. The Interlaken Planning Board has proper and lawful jurisdiction to hear the within matter.
2. The subject parcels are identified as Block 10, existing Lots 36, 37, 38, and 39, and the said parcels are located at 300-306 Windermere Avenue, Interlaken, New Jersey, within the Borough's R-A Zone.
3. Representatives of the Applicant herein propose to effectuate a Lot line Adjustment (through a Minor Subdivision) so as to redistribute existing Lot 37 amongst/between existing Lot 36, existing Lot 38, and existing Lot 39.
4. Such a proposal requires Minor Subdivision Approval.

5. Details pertaining to the proposed Lot Line Adjustment are set forth herein, are set forth on the Plans, and were discussed, at length, during the Public Hearing process.

6. The Interlaken Planning Board is statutorily authorized to grant the requested relief and therefore, the matter is properly before the said entity.

7. With regard to the Application, and the requested relief, the Board notes the following:

- As indicated, the within Application represents a request to effectuate a Lot Line Adjustment through a Minor Subdivision.
- The unique fact pattern and geographical lay-out of the existing parcels are set forth, in detail, under the “testimony” section of the within Resolution.
- Per the testimony and evidence presented, existing Lot 37 is an irregularly shaped waterfront flag-type of Lot.
- Per the testimony and evidence presented, existing Lot 37 is a buildable/developable Lot (though there appear to be some potential environmental/tidelands restrictions associated therewith).
- Per the testimony and evidence presented, the Owners of existing Lot 36, existing Lot 38, and existing Lot 39 formed a Company (the Applicant herein) to jointly divide/split up existing Lot 37 (so that the various portions of existing Lot 37 can be added to, merged with, and otherwise incorporated/absorbed into existing Lot 36, existing Lot 38, and existing Lot 39).
- Once the Subdivision is perfected, existing Lot 37, a buildable/developable Lot, will cease to exist.
- Once the Subdivision is perfected, existing Lot 37 will be redistributed amongst and between existing Lot 36, existing Lot 38, and existing Lot 39.
- As indicated, existing Lot 37 is a waterfront Lot, generally surrounded by Deal Lake, on two (2) sides.
- The proposed Lot Line Adjustment/Subdivision will prevent any third-party from developing existing Lot 37 (in its present configuration).
- The proposed Lot Line Adjustment/Subdivision will result in proposed Lot 38.01 and proposed Lot 39.01 having more waterfront access.

- The proposed Lot Line Adjustment/Subdivision will provide proposed Lot 36.01 with even more waterfront access (than that which currently exists for existing Lot 36).
- As referenced above, the proposed Lot Line Adjustment/Subdivision will provide, guarantee, or otherwise supplement waterfront access amongst existing Lot 36, existing Lot 38, and existing Lot 39.
- Per the testimony and evidence presented, Approval of the within Application will prevent a third-party from developing existing Lot 37.
- Approval of the within Application will prevent any third-party from blocking waterfront access and/or waterfront views which the owners/occupants of existing Lots 36, 38, and 39 might otherwise have.
- The Board understands the reasons for the Applicant's proposed Lot Line Adjustment/Subdivision.
- The Board appreciates the cooperation of the various Owners to effectuate the within proposal.
- Per the testimony presented, after perfection of the Subdivision, existing Lot 37 will not be an independent stand-alone buildable/developable Lot.
- Per the testimony and evidence presented, after the perfection of the Subdivision Approved herein, the component parts of existing Lot 37 will not be stand-alone buildable/developable Lots. Rather, the individual component parts of existing Lot 37 (to be separated) will merge with and become part of existing Lot 36, existing Lot 38, and existing Lot 39 (per the testimony presented and Plans submitted).
- Typically, Subdivisions are effectuated to create additional building Lots. However, in the within situation, the Board recognizes the unique aspects of the within Application wherein, with the elimination of existing Lot 37, four (4) existing/developable Lots will be reduced to three (3) Lots (i.e. new Lot 36.01, new Lot 38.01, and new Lot 39.01).
- As referenced, existing Lot 37 is a very irregularly shaped Lot. Specifically, the same has a flag- pole like feature, and the remaining irregularly shaped portion generally contours the shoreline of the adjacent Deal Lake.
- Approval of the within Application will eliminate the irregularly shaped existing Lot 37.

- Approval of the within Application will eliminate the so-called flag-pole nature of existing Lot 37.
- Existing Lot 37 has a non-conforming Lot width of only 20-ft. (whereas 75-ft. is otherwise required). Approval of the within Application will eliminate existing Lot 37 and, by extension, the same will also eliminate the existing non-conforming Lot width as well.
- With the elimination of the irregularly shaped existing Lot 37, proposed Lot 36.01, proposed Lot 38.01, and proposed Lot 39.01 will become more rectangular/more traditional in nature.
- The Board is aware that typically, a Subdivision creates smaller Lots from the larger mother Lot. However, in the within situation, the Lot Line Adjustment/Subdivision will actually increase the overall Lot Areas of existing Lot 36, existing Lot 38, and existing Lot 39.
- The minimum required Lot size in the R-A zone is 15,000 SF.
- All proposed Lots created hereunder (as a result of the Lot Line Adjustment) will significantly exceed the minimum required Lot Area for the zone.
- In conjunction with the above point, the Board notes the proposed Lot Areas of the post-perfection parcels:

Proposed Lot 36.01...	43,119 SF
Proposed Lot 38.01...	45,501 SF
Proposed Lot 39.01...	46,188 SF

- There are no new Variances created as a result of the within Approval.
- The Board notes that there are some existing non-conforming Conditions which exist with regard to existing Lot 36, existing Lot 38, and existing Lot 39. Approval of the within Application will not exacerbate any previously existing non-conforming Conditions.
- The Board also notes that in conjunction with the within Approval, some of the existing non-conforming Conditions will be eliminated, and/or otherwise improved.
- Existing Lot 38 contains an existing encroachment – and Approval of the within Application will result in the elimination of the encroachment.

- There is no new construction proposed/authorized/Approved herein.
- The Application as presented, in conjunction with any required Waivers, satisfies the Subdivision requirements of the Borough of Interlaken.
- Subject to the Conditions set forth herein, the Board is of the belief that the benefits of Approval outweigh any detriments associated therewith.
- There is no known substantial detriment associated with the within Approval.

Based upon the above, and subject to the Conditions contained herein, the Board is of the unanimous opinion that the Subdivision can be granted without causing substantial detriment to the public good.

### **Conditions**

During the course of the Hearing, the Board has requested, and the Applicant's representatives have agreed, to comply with the following conditions:

- a. The Applicant shall comply with all promises, commitments, and representations made at or during the Public Hearing process.
- b. The Applicant shall comply with the terms and conditions of the Leon S. Avakian, Inc. Review Memorandum, dated September 30, 2025, (A-5).
- c. No new construction is authorized/Approved herein.
- d. The Applicant shall comply with any applicable prevailing affordable housing Rules /Regulations/Contributions/Directives/Payments as may be required by the Borough of Interlaken, the State of New Jersey, the court system, COAH, and any other Agency having jurisdiction over the matter.
- e. After perfection of the Subdivision, the divided/separated portions of existing Lot 37 shall not become independent/separate/buildable Lots. Rather, the divided portions of existing Lot 37 shall merge with existing Lot 36, existing Lot 38, and existing Lot 39 (per the testimony and Plans).

- f. The Applicant's representatives shall add a general note to the Plan, confirming that the existing curb and sidewalk along the frontage (of the parcels) shall be replaced, if found in poor condition (in the opinion of the Board Engineer).
- g. Per the on-the-record discussion at the Public Hearing, a portion of the subject parcels may be subject to tidelands claims and other limitations/restrictions, and the Applicant's representatives are advised accordingly.
- h. In the event of any future construction on any of the newly expanded parcels (which is neither proposed nor approved herein), the Applicant shall be required to obtain any necessary permits/Approvals from applicable local/county/State Agencies having jurisdiction over the matter.
- i. The Subdivision shall be perfected in accordance with New Jersey law.
- j. The new Lot designations shall be specifically reviewed and Approved by the Municipal Tax Assessor.
- k. If the Subdivision is perfected by Deed, then, in that event, the Deed and Metes and Bounds descriptions shall be reviewed and Approved by the Board Engineer and Board Attorney.
- l. The Subdivision shall be perfected in accordance with the timeframe set forth in New Jersey law.
- m. In conjunction with any future construction (which is neither proposed nor approved herein) the Applicant shall obtain any applicable permits/approvals as may be required by the Borough of Interlaken - including, but not limited to, the following:
  - Building Permit
  - Plumbing Permit
  - Electric Permit
  - Fire Permit
- n. In the event of any construction (which is neither proposed nor authorized herein) the Applicant shall obtain any and all approvals (or Letters of No Interest) from applicable outside agencies - including, but not limited to, the

Department of Environmental Protection, the Monmouth County Planning Board, and the Freehold Soil Conservation District.

- o. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate/required fees and taxes.

**BE IT FURTHER RESOLVED**, that all representations made under oath by the Applicant and/or its representatives shall be deemed conditions of the Approval granted herein, and any misrepresentations or actions by the Applicant contrary to the representations made before the Board shall be deemed a violation of the within Approval.

**BE IT FURTHER RESOLVED**, that the Application is granted only in conjunction with the Conditions noted above - and but for the existence of the same, the within Application would not be Approved.

**BE IT FURTHER RESOLVED**, that the granting of the within Application is expressly made subject to and dependent upon the Applicant's compliance with all other appropriate Rules, Regulations, and/or Ordinances of the Borough of Interlaken, County of Monmouth, and State of New Jersey.

**BE IT FURTHER RESOLVED**, that the action of the Board in Approving the within Application shall not relieve the Applicant of responsibility for any damage caused by the subject project, nor does the Planning Board of the Borough of Interlaken, the Borough of Interlaken, or their agents/representatives accept any responsibility for the structural design of the proposed improvements, or for any damage which may be caused by the development/construction.

FOR THE APPLICATION: Vice Chairwoman Umfrid, Mr. Tilton, Ms. Dalton,  
Mr. Wasilishen, Ms. Kapp and Ms. Heinz

AGAINST THE APPLICATION: None

ABSTENTIONS: None

Board Attorney Kennedy summarized the conditions of the resolution of a lot line/minor subdivision approval which is taking Lot 37 and reappropriating the lot to the other three upland owners. No construction is authorized or approved. Existing Lot 37 will be split up into its independent component parts and not be stand- alone separate independent buildable lots. The portions are going to merge into each lot. Each lot will get larger. Portions of the subject parcels may be subject to tidelands claims and other limitations and restrictions which come into play for future proposed construction.

Board Attorney Kennedy stated that the Applicants attorney just had a few very minor changes. Lot 36 was referred to as being vacant. There is no home on the lot but there is a patio. One of the lots will be gaining waterfront not two.

The foregoing Resolution was offered by: Vice Chairwoman Umfrid and Seconded by Mr. Wasilishen, and adopted by Roll Call Vote:

IN FAVOR: Vice Chairwoman Umfrid, Mr. Wasilishen, Ms. Kapp and Ms. Heinz

OPPOSED: None

ABSTAINED: None

INELIGIBLE: Chairman Papp, Councilman Blasucci, Ms. Kane and Ms. Cernigliaro

ABSENT: Mr. Tilton and Ms. Dalton

MEMORIALIZATION  
205 BUTTERMERE AVENUE  
Block 34/Lot 18.01 & 19.01  
Schulz

## **RESOLUTION**

**INTERLAKEN PLANNING BOARD  
STEVEN & JAMIE SCHULTZ  
205 BUTTERMERE AVENUE  
INTERLAKEN, NJ  
BLOCK 34, LOTS 18.01 AND 19.01**

### **Introduction**

**WHEREAS**, Steven and Jamie Schultz have made Application to the Interlaken Planning Board for the property designated as Block 34, Lots 18.01 and 19.01, commonly known as 205 Buttermere

Avenue, Interlaken, New Jersey, within the Borough's R-A Zone, for the following approval: Bulk Variance Relief associated with a request to install an in-ground pool and pool-related equipment.

**Public Hearing**

**WHEREAS**, the Board held a Public Hearing on October 20, 2025, Applicants having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

**Evidence / Exhibits**

**WHEREAS**, at the said Hearing, the Board reviewed, considered, and analyzed the following:

- *Development Application Package, introduced into Evidence as A-1;*
- *Zoning Permit, dated September 2, 2025, introduced into Evidence as A-2;*
- *Zoning Denial Letter, dated September 2, 2025, introduced into Evidence as A-3;*
- *Resolution of the Interlaken Planning Board, regarding the subject property, dated on or about December 16, 2013, introduced into Evidence as A-4;*
- *Plot Plan, prepared by MGC Associates, dated July 28, 2025, introduced into Evidence as A-5;*
- *Survey, prepared by Charles Surmonte, dated July 31, 2024, introduced into Evidence as A-6;*
- *Leon S. Avakian, Inc. Review Memorandum, dated September 30, 2025, introduced into Evidence as A-7;*
- *Affidavit of Service;*
- *Affidavit of Publication.*

**Witnesses**

**WHEREAS**, sworn testimony in support of the Application was presented by the following:

- Jamie Schultz, Applicant;
- Gary Chiang, Professional Engineer; and
- Jennifer Krimko, Esq., appearing;

**WHEREAS**, Peter R. Avakian, P.E., P.L.S., P.P., the Board Engineer, was also sworn with regard to any testimony / information he would provide with the subject Application.

**Testimony and Other Evidence Presented on Behalf of the Applicants**

**WHEREAS**, testimony and other evidence presented by the Applicants revealed the following:

- The Applicants are the Owners of the subject property.
- The Applicants have owned the subject property for approximately 12 years.
- There is an existing single-family home at the site.
- The Applicants live at the site.
- In or about 2013, the Applicants received Planning Board approval to effectuate the following:
  - A. Construction of a single-story addition to the front and rear of the dwelling;
  - B. Installation of a new driveway; and
  - C. Removal of a then existing detached garage.
- In conjunction with the aforesaid application from 2013, the Applicants received Variance Relief, including Front Yard Setback Relief, Side Yard Setback Relief, Rear Yard Setback Relief, and Building Coverage Relief.
- The above-referenced improvements (authorized by the 2013 Planning Board application) have been completed.
- The Applicants now propose to install an in-ground pool, pool equipment, pool fence, and drainage improvements at the site.
- Details pertaining to the proposed pool include the following:

**POOL**

Type of Pool:	In-ground pool
Location:	Rear of home (per plans)
Size:	15 feet x 30 feet (450 SF)
Shape:	Rectangular
Pool Equipment:	The proposal will include standard pool equipment,

	including a pump, filter, and heater.
Pool Equipment Location:	Rear of property, in a zoning compliant location.
Surrounding Patio Details:	There will be no surrounding pool patio.
Pool Lighting Details:	There will be underwater lights, which will not shine over / onto adjacent residential parcels.
Maximum Depth of Pool	6 feet (at deep end)
Filter:	There will be pool cartridge filter system, with no discharge.

- The Applicants anticipate having the pool installed in the near future.
- The Applicants will be utilizing licensed contractors in connection with the installation process.

**Variance**

**WHEREAS**, The Application as presented and modified requires approval for the following variance:

*IMPERVIOUS COVERAGE: Maximum 45% allowed; whereas 49.6% proposed.*

**Public Comments**

**WHEREAS**, there were no members of the public who expressed any comments, question, concerns and/or objections regarding the Application.

**Findings of Fact**

**NOW, THEREFORE, BE IT RESOLVED**, by the Planning Board of the Borough of Interlaken, after having considered the aforementioned Application, plans, evidence, public comments, and testimony, that the Application is hereby **granted / approved with conditions**.

In support of its decision, the Planning Board makes the following Findings of Fact and Conclusions of Law:

8. The Interlaken Planning Board has proper jurisdiction to hear the within matter.

9. The subject property is located at 205 Buttermere Avenue, Interlaken, New Jersey, within the Borough's R-A Zone.

10. The subject property is rectangular in shape, measuring 100 feet in width x 125 feet in depth.

11. The subject property contains an area totaling 12,500 SF.

12. The Applicants herein propose to install an in-ground pool and pool-related improvements.

13. Such a proposal requires Bulk Variance approval.

14. The details for the proposed pool and pool-related improvements are set forth herein, set forth on the submitted plans, and were discussed, at length, during the public hearing.

15. The Interlaken Planning Board is statutorily authorized to grant the requested relief and therefore, the matter is properly before the said entity.

16. With regard to the Application, and the requested relief, the Board notes the following:

- A pool is a permitted accessory use in the subject zone.
- The Application as presented requires Bulk Variance Relief.
- The Board is aware that, generally speaking, in order to obtain Bulk Variance Relief, an Applicant must prove that there is some type of physical hardship associated with the land, such as the size / shape / topography, etc. Or, in the alternative, Bulk Variance Applicants are required to prove that the benefits of the Application outweigh any detriments associated therewith. Likewise, the Applicants must also prove that the subject Application can be granted / approved without causing any substantial detriment to the public good.
- The Board Members evaluated and analyzed the subject Application in accordance with the aforesaid standards.
- The Application as presented requires a variance for impervious coverage. Specifically, a maximum 45% impervious coverage is allowed; whereas 49.6% is proposed.
- The Board Members critically reviewed the subject Application, as the Board Members are aware of potential issues associated with excess impervious lot

coverage (including potential stormwater runoff issued, potential drainage issues, and the like).

- Per the testimony presented, the pool has been designed with a drainage structure specifically designed to accommodate the excess impervious coverage created hereunder.
- The Applicant's Engineer testified that the proposed drainage structure will accommodate the excess impervious coverage created hereunder.
- The aforesaid proposed drainage structure will minimize any potentially adverse impact associated with the excess impervious coverage approved herein.
- Per the engineering testimony, the design of the proposed drainage structure is very appropriate for the subject proposal.
- The aforesaid testimony regarding the effectiveness and appropriateness of the proposed drainage structure was comforting to the Board Members, and a significant reason as to why the Application was conditionally approved.
- In conjunction with the above, the Applicant's representatives testified that there will be no material grade change associated with the within proposal, thereby further minimizing any potentially adverse consequences with the excess impervious coverage granted herein.
- The proposed pool is located in the rear yard area of the property, consistent with prevailing municipal zoning regulations.
- The size of the pool approved herein is 450 SF, which conforms with prevailing Municipal regulations (which restrict any pool from having a size greater than 800 SF).
- Per the testimony and evidence presented, the bottom of the proposed pool will be 2.2 feet above the seasonal high groundwater elevation, in accordance with prevailing zoning regulations. The said fact also minimizes the potential for any adverse consequences associated with the requested variance relief.
- The proposed pool has a separation of 10.7 feet between the house and the pool – which complies with prevailing municipal zoning regulations.
- Per the testimony presented, the pool will have underwater lighting, which will not shine onto or over adjacent parcels, which conforms with prevailing municipal regulations.
- Pursuant to the prevailing municipal regulations, swimming pools are not permitted to drain into or otherwise overflow into the Municipal sanitary system or into the public streets of the municipality. Likewise, per the prevailing zoning regulations, no pool filter system shall be connected in any manner with the municipal sanitary sewer system. Likewise, per the prevailing zoning

regulations, no pool filter system shall be connected in any manner with the Municipal sanitary sewer system. In conjunction with the within, and as a condition of approval, the proposed pool will involve a cartridge filter, so that there is no discharge.

- The prevailing municipal regulations provide that no swimming pool shall be constructed within 10 feet of any rear or side property lot line or any existing structure. In the within situation, the Applicants propose Rear Yard Setback of 10 feet to the swimming pool, which conforms with the prevailing regulations. Likewise, the proposed Side Yard Setback is 26 feet to the swimming pool, which, importantly, also confirms with prevailing municipal zoning regulations.
- Pursuant to prevailing municipal regulations, no pool shall be constructed at an elevation greater than 12 inches higher than the unaltered existing ground elevation. In the within situation, the proposed elevation change to the swimming pool is less than 12 inches from the unaltered existing ground elevation, which conforms with the prevailing regulations.
- As initially submitted, the Applicants required variance relief for the location of the pool equipment. Specifically, the prevailing zoning regulations require that the pool equipment be set back a minimum of 10 feet from the side or rear property lines. As initially proposed, the Applicants were looking to place the pool equipment in the west side yard area, with a non-conforming west Side Yard Setback of only 7.7 ft. Sufficient testimony was not presented to justify the said relief and, as a condition of the within approval, the Applicants agreed to relocate the pool equipment to a zoning compliant location.
- The Board appreciates the Applicants' cooperation in the said regard.
- Whenever possible and feasible, the Board looks to reduce (if not eliminate) the need for any variance relief.
- The Board Members engaged in a thorough on-the-record discussion regarding the potential merits and potential detriments associated with the subject proposal.
- Subject to the conditions contained herein, the improvements authorized herein will not overpower the site, the neighborhood, or the Borough as a whole.
- The Board notes that the existing landscaping at the site helps further mitigate any potentially adverse consequences otherwise associated with the Variance relief granted herein.
- The proposed host location for the pool is logical and functional.
- There are no known health and safety concerns associated with the Variance relief granted herein.

- The Applicant considered a number of potential host locations for the pool and the proposed location is the most appropriate / desirable for the subject site.
- The proposed host location of the pool is near the existing home and near the utility hook-ups, etc., further justifying the appropriateness of the proposed host location.
- The pool complies with the Prevailing pool Setback Requirements.
- The Applicants provided extensive and compelling testimony in support of the Application, and the requested relief.
- Subject to the conditions set forth herein, the grading and drainage testimony / plans presented satisfied the technical concerns of the Board Engineer.
- Per the testimony and evidence presented and subject to the conditions contained herein, there will be no adverse drainage impacts associated with the within approval.
- Subject to the conditions contained herein, the Applicants' site can accommodate the subject proposal.
- Per the testimony and evidence presented, there are no adverse health / safety / construction issues associated with the proposal approved herein.
- Per the testimony and evidence presented, the installation of the pool approved herein will not compromise the health and safety of the occupants.
- There will be no adverse lighting or spill-over lighting associated with the placement of the pool in the designated / approved location.
- The pool will be shielded by shrubbery and/or fencing, etc. further ensuring that the proposed pool installation will not have an adverse impact on adjacent property owners.
- Subject to conditions contained herein, the location of the pool will minimize, to the greatest extent possible, any disturbance to the neighboring property owners.
- Additionally, notwithstanding the Variance relief, the Board notes that the location of the proposed pool is practical, appropriate, safe, functional, and aesthetically pleasing.
- The proposed pool will be attractive, aesthetically pleasing, and upscale, in accordance with Prevailing Community Standards.

- The Board notes that given the location of the existing improvements and given the nature/location of the screening / buffering, the proposed pool will not be readily seen from the public road.
- Approval of the within Application will enhance/improve the quality of life for the homeowners.
- The to-be installed pool is specifically designed for residential use.
- Approval of the within Application will not materially intensify the existing and to-be-continued single-family nature of the home/site.
- Sufficiently detailed plans were submitted for the Application to be adjudicated.
- Subject to the conditions contained herein, the location of the pool will minimize, to the greatest extent possible, any disturbance to the neighboring properties.
- Subject to the conditions set forth herein, the benefits associated with approving the within Application outweigh any detriments associated therewith.
- Subject to the conditions contained herein, approval of the within Application will have no known detrimental impact on adjoining property owners and thus, the Application can be granted without causing substantial detriment to the public good.
- Approval of the within Application will promote various purposes of the Municipal Land Use Law; specifically, the same will provide a desirable visual environment through creative development techniques.
- The Application as presented satisfied the Statutory Requirements of N.J.S.A. 40:55D-70(C) (Bulk Variance).

Based upon the above, and subject to the conditions contained herein, the Board is of the belief that the requested relief can be granted without causing substantial detriment to the public good.

### **Conditions**

During the course of the Hearing, the Board has requested, and the Applicants have agreed, to comply with the following conditions:

- p. The Applicants shall comply with all promises, commitments, and representations made at or during the Public Hearing process.

- q. The Applicants shall comply with the terms and conditions of the Leon S. Avakian, Inc. Review Memorandum, dated September 30, 2025 (A-7).
- r. The Applicants shall cause the plans to be revised so as to portray and confirm the following:
- Confirmation as to the absence of any pool patio;
  - Confirmation that the existing hot tub shall be removed;
  - Confirmation as to the absence of any concrete sidewalk surrounding the pool (but coping is allowed per the testimony and plans);
  - Confirmation that the pool equipment shall be re-located to the rear of the property, in a zoning compliant location;
  - Confirmation as to the inclusion of compliant pool fence details (in accordance with prevailing municipal regulations and in accordance with prevailing Building / Construction Code requirements);
  - Confirmation that the underwater pool lights shall comply with prevailing municipal zoning regulations;
  - Confirmation as to the absence of any sound amplifying system associated with the pool;
  - Confirmation that the bottom of the pool shall be 2 feet (or greater) above the seasonal groundwater elevation;
  - Confirmation that the pool will have a cartridge filter, with no discharge;
  - Confirmation that the pool shall be no greater than 12 inches higher than the unaltered existing ground elevation;
  - Confirmation as to the inclusion of a drywell (the details of which shall be reviewed and approved by the Board Engineer);
  - Confirmation that the groundwater shall be managed in the manner set forth in the Applicants' testimony and as otherwise set forth in the manner submitted by the Applicants' professionals (the details for which shall be further reviewed, approved, and certified by the Board Engineer);
  - The Applicants shall install and maintain the drywell in accordance with prevailing Borough regulations, in accordance with manufacturing standards, and in accordance with other best practice standards;

- s. There shall be no adverse water runoff associated with the within proposal.
- t. There shall be no adverse light spillover associated with the within proposal.
- u. Grading / drainage details shall be reviewed and approved by the Board Engineer.
- v. The Applicants shall install and maintain a dry-well / at the site (the details of which shall be reviewed and approved by the Board Engineer). (Additionally, any such dry-well shall be installed / maintained in accordance with Borough regulations, manufacturer guidelines, and other best practices.)
- w. The Applicant's design professional shall submit a certification confirming that the improvements have been installed in accordance with the testimony presented, in accordance with the approved plans, and in accordance with the within Resolution.
- x. The Applicants shall obtain any applicable permits/approvals as may be required by the Borough of Interlaken - including, but not limited to, the following:
  - Building Permit
  - Plumbing Permit
  - Electric Permit
  - Fire Permit
- y. If applicable, the proposed structure / renovation shall comply with applicable provisions of the Americans with Disabilities Act.
- z. Unless otherwise waived by the Zoning Officer or Board Engineer, Grading Plans shall be submitted to the Borough Engineer so as to confirm that any drainage / run-off does not go into adjoining properties.
- aa. The installation shall be strictly limited to the Plans which are referenced herein, and which are incorporated herein at length. Additionally, the construction shall comply with Prevailing Provisions of the Uniform Construction Code.
- bb. The Applicants shall comply with all terms and conditions of the Review Memoranda, if any, issued by the Board Engineer, Borough Engineer, Construction Office, the Municipal Project Assistant, the Department of Public Works, the Bureau of Fire Prevention and Investigation, and / or other Agents of the Borough.
- cc. The Applicants shall obtain any and all approvals (or Letters of No Interest) from applicable outside agencies if required - including, but not limited to, the Department of Environmental Protection, the Monmouth County Planning Board, and the Freehold Soil Conservation District. (To the extent the Application materially changes as a result of any such outside approvals, then, in that event, the Applicants shall be required to return to the Planning Board for further / amended relief.)

- dd. The Applicants shall, in conjunction with appropriate Borough Ordinances, pay all appropriate / required fees and taxes.
- ee. If required by the Board Engineer and the NJMLUL, the Applicants shall submit appropriate performance guarantees in favor of the Borough of Interlaken.
- ff. Unless otherwise agreed by the Planning Board, the within approval shall be deemed abandoned, unless, within 12-months from adoption of the within Resolution, the Applicants obtain a Building Permit for the construction / development / installation approved herein.

**BE IT FURTHER RESOLVED**, that all representations made under oath by the Applicants and / or their agents shall be deemed conditions of the approval granted herein, and any misrepresentations or actions by the Applicants contrary to the representations made before the Board shall be deemed a violation of the within approval.

**BE IT FURTHER RESOLVED**, that the Application is granted only in conjunction with the conditions noted above - and but for the existence of the same, the within Application would not be approved.

**BE IT FURTHER RESOLVED**, that the granting of the within Application is expressly made subject to and dependent upon the Applicants' compliance with all other appropriate Rules, Regulations, and / or Ordinances of the Borough of Interlaken, County of Monmouth, and State of New Jersey.

**BE IT FURTHER RESOLVED**, that the action of the Board in approving the within Application shall not relieve the Applicants of responsibility for any damage caused by the subject project, nor does the Planning Board of the Borough of Interlaken, the Borough of Interlaken, or their agents / representatives accept any responsibility for the structural design of the proposed improvements or for any damage which may be caused by the development / construction.

FOR THE APPLICATION: Vice Chairwoman Umfrid, Mr. Tilton, Ms. Dalton,  
Mr. Wasilishen, Ms. Kapp and Ms. Heinz

AGAINST THE APPLICATION: None

ABSTENTIONS: None

The foregoing Resolution was offered by: Ms. Heinz and Seconded by Ms. Kapp, and adopted by Roll Call Vote:

IN FAVOR: Vice Chairwoman Umfrid, Mr. Wasilishen, Ms. Kapp and Ms. Heinz

OPPOSED: None

ABSTAINED: None

INELIGIBLE: Chairman Papp, Councilman Blasucci, Ms. Kane and Ms. Cernigliaro

ABSENT: Mr. Tilton and Ms. Dalton

Board Attorney Kennedy summarized the conditions of the resolution. There will be a pool patio. The existing hot tub will be removed. There will be no sidewalk surrounding the pool, but coping will exist. The pool equipment will be relocated to the rear of the property in zoning compliant location. A compliant pool fence will be installed, and a pool light shall comply with zoning regulations. No sound amplifying system will be associated with the pool. The bottom of the pool is going to be two feet or greater above the seasonal groundwater elevation. There will be a cartridge filter with no discharge. The pool will be installed no greater than 12 inches above the unaltered existing ground elevation. A drywell shall be installed and maintained in accordance with the Borough regulations and in accordance with manufacturing standards and other best practices.

The foregoing Resolution was offered by: Ms. Heinz, seconded by Ms. Kapp, carried, the Board approved the application.

ROLL CALL:

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

Opposed: None

Ineligible: Chairman Papp, Councilman Blasucci, Ms. Kane and Ms. Cernigliaro

Abstain: None

Absent: Mr. Tilton and Ms. Dalton

APPLICATION

510 Windermere Avenue  
Block 10 /Lot 23  
Habert

The Applicants, Jack and Elana Habert joined the table.

Board Attorney Kennedy asked if there were any comments or concerns regarding the sufficiency of the notice. There were no comments from the Board or public.

Board Attorney Kennedy stated that he and Board Secretary Kneser reviewed the notice and found everything to be in order. Board Attorney Kennedy stated that the Board has jurisdiction to proceed.

Vice Chairwoman Umfrid recused herself and left the table as her property is within 200ft of the applicant.

Board Attorney Kennedy swore in Board Engineer/Planner Avakian.

Board Attorney Kennedy marked the following items into evidence:

- A1 Application package
- A2 Survey prepared by Charles Surmont dated 10/28/2024
- A3 Denial letter from Zoning Officer dated 4/7/2025
- A4 9 photos (collectively) of the subject property
- A5 Leon S. Avakian review memorandum dated 9/30/2025

Jack and Elana Habert were sworn in by Board Attorney Kennedy.

Jack and Elana Habert confirmed to Board Attorney Kennedy that they are the owners of the property at 510 Windermere Avenue for about a year and they are not living at the site and that there are two units on the property. There are a front house and a rear house/pool house. The front house is a single-family home that is occupied mostly in the summer, but the owners do come back and forth to the home.

Board Attorney Kennedy asked if the pool house was an occupied dwelling.

Ms. Habert stated that it is a pool house with a loft.

Board Engineer/Planner Avakian stated that the survey indicates that the pool house is a one-story dwelling, so it is good to have Ms. Habert's testimony that it is not utilized as a dwelling unit.

Mr. Habert stated that the application was simple. The property is a lakefront property and there is a pretty steep drop off from the property to the lake which presents a danger to little kids, pets or anyone who might accidentally fall into the lake. Mr. Habert stated that they thought that if they demonstrate that there is a hardship that they could seek a way to allow the fence to remain to prevent any accidents.

Mr. Habert stated that they were not aware of the law, so they installed the fence. The fence is in place. It is a three-foot high 50% open fence. It is the same fence that is in the yard. It is a brown aluminum nice-looking fence.

Ms. Habert stated that the fence matches the yard fence. They followed suit.

Board Engineer/Planner Avakian stated that there was an existing fence there and it has been extended. The issue that the Borough and the Zoning Office had that the fence extended past the house, which Board Engineer/Planner Avakian believes is two sections in front of the house.

Board Engineer Planner Avakian stated that after the testimony on the dwellings, the only issue with the application is that a front yard variance for the two sections of the fence.

Ms. Habert stated that the fence was really for keeping the grandkids who are living with them from getting hurt.

Mr. Habert stated that the start of the 50ft to 60ft from the curb. The fence is just at the part where there is a drop.

Chairman Papp asked the applicants if they were aware that they had to apply for a permit.

Ms. Habert stated that they were not aware at the time that a permit was required and installed the fence without knowing.

Chairman Papp asked who installed the fence and did the installer ask for a permit?

Ms. Habert stated that she did not have the name of the installer at this time but that the installer did not ask about permits. Ms. Habert asked them to copy the same fence because she wanted everything to look right and pretty and wanted the fence so that no one could fall. It is the first time owning a house in New Jersey and was not aware that a permit was required.

Chairman Papp opened the floor to the public.

Bill Saloukas, 519 Windermere Avenue was sworn in by Board Attorney Kennedy. Mr. Saloukas stated he lived right across the street since 1992. Mr. Saloukas has known all the previous neighbors and there was no fence there. The Notice stated that the applicant is proposing a fence. There is a metal fence there in the front yard. It is a recent phenomenon. How did it get there? Is the applicant proposing to extend or change the fence?

Mr. Habert stated that they are not looking to extend the fence.

Ms. Habert stated that they want the fence to stay the way it was installed without them knowing a permit was required. They just want to keep what is there.

Mr. Wasilishen stated that he drove by the property the other day and did not see a fence, turned around and parked the car, got out and walked over to see the fence. Mr. Wasilishen stated that he would have put a fence there himself. There is deep ravine that goes down maybe 15-20ft. It is a safety hazard. Mr. Wasilishen stated that he does not know the applicants. Just looking at it, he would have put up the fence.

Chairman Papp noted that the Notice in the Coaster stated that there was a proposal to put up a fence, when in fact the fence already existed.

Ms. Habert stated that Board Secretary Kneser knew the fence was up.

Mr. Habert stated that they did not know of the law but once they were informed that they were not correct, they applied for a variance.

Board Engineer/Planner Avakian stated that it is his understanding that the construction official was called out to the site while the work was ongoing. They noticed the fence was going up and it was not there previously. No permit was filed so they asked for the work to be stopped, so it is an existing fence now put up without a permit, so the applicants are here to try for the fence to remain.

Mr. Saloukas asked if the Board would consider not permitting the existing metal fence to be extended moved, changed or added to without Planning Board approval and getting the approval plans and the paperwork of who did the work.

Chairman Papp closed the public portion

Board Engineer/Planner stated that the application before the Board tonight does not propose any additional construction. It is just to verify the facts about the fence that was put in without the permit and have it approved by the Board so that the fence can remain in place so there would be no additional construction work on the property.

Councilman Blasucci questioned the intention before the work was stopped.

Board Engineer/Planner Avakian stated when the stop work order was issued, the fence as it currently stands was in place. Board Engineer/Planner Avakian was under the understanding from the Construction Official was that the intention was to continue the fence toward the street but that was not done.

Board Engineer/Planner Avakian stated that what is on the drawing is not what is out on the site.

Ms. Kapp questioned the number of sections that are present.

Board Engineer/Planner Avakian noted that the fence was hand drawn on the survey.

Ms. Kapp, Ms. Heinz, Chairman Papp and Board Engineer/Planner questioned the intention to go farther with the fence.

Ms. Habert stated that the placement of the fence was where the drop is. The fence is more than two sections it is about 60 feet. here because that is where the drop is. The fence is not all the way. It is more than two sections. Ms. Habert is not sure where the number of two sections came from.

Ms. Kapp questioned how many sections there were of the fence and the length of the fence.

Ms. Habert stated the fence was angled a little bit so no one could go near the drop. They did not want the fence to go all the way to the front because that would not look pretty. Ms. Habert also noted that the fence is hidden behind some trees.

Ms. Kapp questioned where the drop ends. The fence goes beyond the lake to where there is land.

Ms. Habert stated that the fence was stopped before the land started.

Chairman Papp noted that the applicants talked about this fence providing some level of safety and so forth related to the lake but the sections of the fence that have gone beyond the house may be near the drop but there is land there.

Ms. Habert stated there is land there and then it drops.

Chairman Papp stated that one of the things that always comes to mind is the old saying of put something up and rather than get permission and ask for forgiveness. That just comes to mind. The Board does not want to set a precedent.

Councilman Blasucci and Chairman Papp questioned who did the work.

Ms. Heinz agreed that the Board does not want to set a precedent. She wouldn't want everyone on the lake who has a drop to start putting fences along there.

Chairman Papp, Ms. Heinz and Ms. Kapp asked questions regarding the repositioning of the fence, so it does not go beyond the house but curves and closes in back to the house.

Ms. Heinz suggested using plants rather than a fence.

Mr. Habert stated the kids play in the front yard too. It is dangerous with all the kids running around playing soccer and they can fall in the lake.

Ms. Habert stated that, with all due respect, the fence cannot even be seen. So many have walked and driven by and haven't even noticed. In the summer there are more plush bushes and trees.

Mr. Habert stated the fence is set back. The fence is 50-60 feet set back.

Ms. Kapp asked what makes the Haberts' situation different than any other owner of that property.

Mr. Habert stated that they have a steep drop off and it is a liability. For Mr. Habert it is a concern.

Ms. Heinz asked if the lake was there when the home was purchased.

Ms. Kapp noted that the applicant was aware that the drop off was there when the house was purchased.

Ms. Habert stated that the drop off was there, but they were unaware that they were not allowed to put the fence there.

Ms. Habert stated that it says in the bylaws that if there is a drop you must put a gate there. You must fence it if there is a danger or hazard to someone. Anybody would want to take a safety precaution to be safe. If it was an eyesore Ms. Habert could understand. Ms. Habert stated that that she tried to keep it the exact same thing. Most people did not even notice there is a fence. You have to get out of the car and look at it. Safety is the number one priority for Ms. Habert's family and children or anyone. Ms. Habert would not want to do something to hurt anybody.

Mr. Habert stated that they have young grandchildren. They are young toddlers. They are going to be running around playing ball. They don't want them falling in the lake. It is pretty simple.

Chairman Papp stated that he did not think that a portion of the fence is by the lake.

Ms. Kane believes that the issue is that the portion of the fence that is being spoken about butts up against the property next door at one point.

Ms. Habert stated that there is no property next door. There is a drop off where the fence was built. There is no property next to where the fence was built. The fence is not directly on the property line. There is a lake in between where there is a few feet of drop off.

Ms. Kane and Mr. Habert had a brief discussion regarding the placement of the fence in relation to where the drop-off ends. Mr. Habert stated that the fence is placed where there is a drop-off. Ms. Kane noted that there is no technical reason the fence should go the distance that it does, as there is a section where there is no drop.

Chairman Papp questioned the depth of the drop and asked whether there was a topographical analysis done.

Board Engineer/Planner Avakian stated that the fence was hand drawn on the survey.

Mr. Habert stated that the lake water goes all the way down the length of the fence.

Board Attorney Kennedy stated that at a minimum, respectfully, this application shows the system works. A non-permitted project was stopped. The applicant is saying there was no intention to manipulate the permitting

process. This is a good thing. The system works. For one there was a stop work order or the equivalent. The other thing is this combined Planning Board is not a penal entity. The Board cannot impose charges or fines or penalties. The town can. The standards the Board typically reviews are the bulk variance standard. The matter is either a C-1 standard, saying there is some sort of hardship with the land, the shape, the topography, the drop off or the C-2 standard where the benefits outweigh the detriments. That is what the Board has to analyze. Board Attorney Kennedy suggested that if there is a feeling that the pictures are not clear enough and inaccurate and the survey and the plans are not clear enough or are inaccurate that the Board is entitled to ask for clearer plans to make it clear what the Board is approving or denying. If the plans are not accurate then the Board may need more information

Chairman Papp stated that it is important to clarify. The Board does not have a topographic analysis. It is fine for the applicant to say it is 10ft, but the Board would like to have an accurate number as to how far the slope goes and a measurement of the steepness as well.

Mr. Habert asked the Board to look at the photos that were supplied as part of the application where it shows the drop is at least 10ft.

Mr. Saloukas made comment from the audience that the backyard is substantial. The yard is big enough and it has a fence. The applicants have the pool, a pool house and the nice back yard. The side the applicants are talking about is very narrow. Very few people are going to be hanging around in there. The back is substantial. They have plenty of room to do other things.

Ms. Heinz asked if the application can be tabled until the Board can get more information.

Mr. Aurthur Fama, 604 Windermere Avenue, was sworn in by Board Attorney Kennedy.

Mr. Fama stated that he was the direct neighbor and wanted to clarify. Where the applicants put the fence along the side was absolutely necessary because there is a bulkhead there and there is a straight drop down. Beyond the house there continues to be a drop that is not quite as straight down, because it is not a bulkhead it is a more gradual drop. There are trees there. It is a drop, but when you get past several yards, it becomes less and less steep until it levels out. Mr. Fama thinks where they are could have been a little bit farther back against the house and still be very safe. Mr. Fama understands why the Applicants would want a fence along most of that part. Mr. Fama stated that it is an unobstructive fence and that the fence has not bothered him. Looking at precedent, Mr. Fama thinks that there is a good explanation for why this particular piece of property is different from most pieces of property. It is the topography. So where there is a straight drop down like that or even significant sloped drop down, there may be more of a reason to have the fence than more of a flat piece of property. Mr. Fama stated that the only thing he does agree with is the comment of asking for forgiveness and not permission. Generally, not only here but you see it a lot in towns lately and Mr. Fama thinks that is not a good precedent to set.

Chairman Papp believes from what he is hearing from the Board more information is needed.

Ms. Heinz agreed. She knows little kids and does not want them to drown, obviously, but feels more testimony is needed and would like to see more information.

Chairman Papp stated that whether this fence is there for protection or safety, the Board needs to know more about that area so the matter will be carried to the next meeting and asked the applicants to a topographical analysis of that area including the slope, the distance the depth and so forth. Chairman Papp also requested that the information of the contractor that installed the fence be provided.

Board Engineer/Planner Avakian also asked that the length of the fence that the applicants want to keep beyond the limit from the front of the house be provided. The survey drawing has something hand drawn on it which is confusing as to what the proposal is. The exact limit of the fence construction is needed.

Mr. Habert asked for a clarification regarding the topographical information required.

Board Engineer/Planner Avakian stated that it would help to know what an aerial photograph shows, where the lake comes up from your rear yard toward the house and where the water elevation enters somewhere at the house and the steepness of the slope that continues in the front yard. The Board needs to know just where that location is related to where the fence is. It does not have to be a full blown topographic.

Mr. Habert asked if a topographical expert would be required.

Ms. Heinz and Ms. Kapp stated that would be a requirement.

Chairman Papp stated that the professional will supply measurements.

Mr. Habert agreed.

Councilman Blasucci noted that there may be a FEMA map for everything along the lake

Chairman Papp stated that the applicant should be able to get that information

Board Attorney Kennedy stated that the Board requests the application to come back on December 15<sup>th</sup> without the need for any further public notice and asked for the applicant to consent to extend the time frame within which the Board must act. Technically under the law, the supplemental information needs to be on file 10 days prior to the meeting date. Board Attorney Kennedy asked the applicant if they would extend the frame with which the Board has to act until the December meeting.

Mr. Habert stated that he was nervous about the timeframe it would take to get that information the Board is requesting.

Board Engineer/Planner Avakian stated that a surveyor could probably do it.

Ms. Habert stated he was not sure that the information could be done in time for the December meeting, because it is Thanksgiving.

Mr. Habert agreed to extend the timeframe.

UPON MOTION of Ms. Heinz, seconded by Ms. Kane, carried, the Board approved that the application be carried to the December 15, 2025, meeting without the need for further public notice.

#### ROLL CALL:

In Favor: Chairman Papp, Councilman Blasucci, Mr. Wasilishen, Ms. Kane, Ms. Kapp, Ms. Cernigliaro, and Ms. Heinz

Opposed: None

Ineligible: Vice Chairwoman Umfrid

Abstain: None

Absent: Mr. Tilton and Ms. Dalton

The applicants thanked the Board and left the table.

Vice Chairwoman Umfrid rejoined the table.

APPLICATION

501 Bridlemere Avenue  
Block 30/Lot 1  
Kessler

The applicant, Ms. Karen Kessler and their attorney, Jeffery Beekman, joined the table.

Ms. Kapp and Ms. Heinz left the table and sat in the audience. Both own homes within 200ft of the applicant.

Board Attorney Kennedy asked if there were any comments or concerns regarding the sufficiency of the notice. There were no comments from the Board or public.

Board Attorney Kennedy stated that he and Board Secretary Kneser reviewed the notice and found everything to be in order. Board Attorney Kennedy stated that the Board has jurisdiction to proceed.

Board Attorney Kennedy swore in Board Engineer Planner Avakian.

Board Attorney Kennedy marked the following items into evidence:

- A1 Application package
- A2 Architectural Plans prepared by Theodora Boydjjs, dated 07/22/2025 revised to 08/21/2025
- A3 Survey prepared by Charles Surmont dated 08/04/2025
- A4 4 photos (collectively) of the subject property
- A5 Resolution approved by the Interlaken Planning Board dated 01/28/2019
- A6 Leon S. Avakian review memorandum dated 10/26/2025

Mr. Beekman stated that the applicant is making an application for an upper story addition to the existing dwelling. The request calls for a variance for a rear yard setback. What the applicant is proposing could be considered a C1 variance. It could also be categorized as a C2 variance for the location that is being proposed for the addition, however mainly it is a C1 variance because there is the existing structure and an addition is being proposed above that existing structure. There is no impervious coverage request. There is no building coverage request, but a rear yard setback variance is being requested. There is also no height variance request for what is being proposed.

The applicant, Karen Kessler, and Theodora Boydjjs, Architect, were sworn in by Board Attorney Kennedy.

Ms. Boyadjjs, 406 Main Street, Suite 12, Metuchen, NJ confirmed that she was testifying in the capacity of a licensed architect and all licenses, qualifications and certifications are current and up to date.

Board Attorney Kennedy confirmed with Ms. Kessler that she owned the property since 2018, she moved into the single-family home in 2019 and still lives in the home.

Ms. Kessler stated that in 2019 an application was made to this Board and received some variance relief. The area of that application does not have anything to do with the area that is being proposed during this hearing. The previous variance was granted to build a bedroom and bathroom for Ms. Kessler's mother who was supposed to be living in the home. Ms. Kessler's mother is now in a nursing home. Ms. Kessler's daughter and her husband

currently live in the home. The garage was converted from a three-car garage to a two-car garage. A bedroom and bath was built out under what had been a pergola, over what was a brick walkway.

Ms. Kessler stated that the area below where the second story addition is proposed is a breakfast room which was there when the house was purchased. A bathroom will be extended over the breakfast room. Ms. Kessler stated that she adores the house from the minute she walked in but the fact that there was no bathtub in the master bathroom made her cry. Ms. Kessler had several consultations to figure out a way to squeeze in a bathtub. The current bathroom is too small for one. The addition will allow for a bathroom without creating any height variance. It is the existing building. No additional building coverage or impervious surface coverage will be added. It will just be on top of what is currently the breakfast room.

Ms. Kessler stated that there is not any home in the area that will be able to see this room no matter where you live, not the Rogers who live next door and are supportive of the project. It is not visible to anyone else

Chairman Papp noted there was no public present for questions or comments.

Board Engineer/Planner Avakian stated that the variance associated with this application has to do with the rear yard setback. The setback is existing and proposed because the addition is going up above where the existing variance condition is. The property fronts on Bridlemere Avenue but it also fronts on Deal Lake which is almost three sides of the property. This is fairly unique because although the property has water on the northeast and the south sides, the house itself is all out of the flood hazard. It is not located within the flood hazard.

Ms. Wasilishen asked what the total square footage of the addition will be.

Ms. Boydjis stated that there is an existing primary bathroom. To the right is a hallway that leads to other bedrooms. The primary bedroom is there and there really is no way to push out in that area without creating an additional footprint below. There is also an office where Ms. Kessler works so space cannot be taken from that area. The only option was to go out above the existing breakfast room. The sink is kept where it is so all the new plumbing is in the new area. This will also make construction easier. The square footage of the area is approximately 90sqft. It is 9ft by 10ft. The one neighbor on the north side is 82.4ft away and within that area is the garage so it is also visually blocked.

Ms. Boyjis confirmed to Mr. Beekman's questioning that in reference to Board Engineer/Planner Avakian's letter that no CAFRA approvals will be obtained but does not think they are required. As far Ms. Boyjis knows the property is not in a flood zone. The project was planned to minimize the area as much as possible from an architectural standpoint and keep the new roof line to be relatively low compared to where the main roof is. It is only about two feet from the existing fascia line of the main roof, so the volume does not have a big visual impact compared to the rest of the house. The materials will be matched. There is existing stucco. The roof is clay tiles. The plan is to match those materials. There is a small flat roof that would be EPDM, which would also be matched, outside the balcony off of the office. The windows will match the rest of the house as well as the detailing around the windows.

Ms. Boyjis answered Ms. Kapp stating the flat roof will be made of single membrane.

Ms. Boyjis stated that there are no other neighbors that need to be discussed. The neighbors are across the lake and to the right of the house. Even across the lake, there is no residential properties. The only property that has a house that is adjacent to this property addition is 82.4ft away.

Vice Chairwoman Umfrid questioned if the roof would be peaked instead of a slanted roof and would the window be coming out.

Ms. Boyjjs stated that yes the roof would be peaked, and the one window will be removed and will become the opening to the addition. The roof will be finished in the same tiles that are on the house.

Ms. Boyjjs answered Ms. Cernigliaro, stating that the addition will be 14ft from the property line which is Deal Lake.

Board Attorney Kennedy summarized the proposed conditions stating that: the applicant will be compliant with all the promises, commitments and representations the team made during the hearing, compliance with the review memorandum prepared by Board Engineer/Planner Avakian, obtaining any necessary outside approvals, afterwards, prior to obtaining the CO, the applicant's professional will submit certification confirming that the improvements are installed in accordance with the testimony and in accordance with the approved plans. Board Attorney Kennedy noted that there is no height variance required. The roof will be finished with the same tiles.

Mr. Beekman agreed that the stated conditions were acceptable.

UPON MOTION of Councilman Blasucci, seconded by Ms. Kane, carried, the Board approved application to include the conditions summarized by Board Attorney Kennedy,

ROLL CALL:

In Favor: Chairman Papp, Councilman Blasucci, Vice Chairwoman Umfrid, Mr. Wasilishen and Ms. Kane

Opposed: None

Ineligible: Ms. Kapp and Ms. Heinz

Abstain: None

Absent: Mr. Tilton and Ms. Dalton

Ms. Kessler and Mr. Beekman thanked the Board and Board and left the meeting.

Ms. Kapp and Ms. Heinz rejoined the table.

Councilman Blasucci stated that Council is implementing a change to the Land Use Ordinance to make is so that if someone is resurfacing their driveway in exactly in the same spot as their preexisting driveway, that they do not need to get approval from the Planning Board. The homeowner would not have to get drawings and a survey if they are just ripping up the driveway and are putting down brick or stone and replacing the existing driveway in the exact same place.

Chairman Papp stated that one of the things the Board talked about in the past regarding driveways and garages was that the garage has to be able to park a car in the garage.

Board Engineer/Planner Avakian stated that the change would only be for the driveway. The Borough has so many nonconforming lots where the driveway cannot be moved.

Board Engineer/Planner Avakian stated that the change only applies to older stock houses not new homes.

Councilman Blasucci stated that the ordinance is intended to eliminate Planning Board expenses for the homeowners of existing homes for driveway maintenance.

Board Engineer/Planner Avakian stated that the way the ordinance is changing is that the current driveway ordinance states that the driveway shall be five feet away. Now if the driveway is closer than 5ft and the driveway was there prior to the implementation of the zoning ordinance, the driveway can be reconstructed in the existing location without having to move it. In most of the properties where that is the condition, most of the houses are 10 to 12ft from the property line so the driveway cannot be 5ft. This ordinance is in conformity with the Master Plan. The regulation in the ordinance simply says lots containing driveways closer than 5ft from any adjoining lot line shall be exempt from the provision of constructing closer than five feet, if the driveways were existing prior to the adoption of the revised general ordinance.

Councilman Blasucci stated that this ordinance grandfathers in the older houses that are really close to each other. The concept is that this ordinance will save the expenses. The thinking was that the Board will not be able to deny the application anyway, because people need a driveway.

Chairman Papp stated that his driveway is 2ft from his property line and there is no way to move it.

Councilman Blasucci stated that his driveway is the same, as are most of the houses within the interior of the town.

Vice Chairwoman Umfrid questioned the impact on impervious surface.

Board Engineer Planner Avakian stated that the two do not have anything to do with one another. The driveway has to be older than the ordinance, but the driveway cannot be replaced with something that is non-conforming. The Zoning Officer would find that it was in violation by being greater than allowable impervious coverage.

The Board had a brief discussion regarding impervious coverage with Board Engineer/Planner Avakian noting that a driveway in cement or sand does not make a difference because both are considered impervious surface in the ordinance.

Ms. Kane questioned whether there could be a gravel driveway. It would be better for impervious surface.

Board Engineer/Planner Avakian stated that the ordinance does not permit gravel driveways, but that may be something the Board should consider.

Board Engineer/Planner Avakian stated that the ordinance was written for the situation that Councilman Blasucci described. It is for older housing stock where the driveway is closer than 5ft and was initiated by complaints to Council.

Councilman Blasucci stated that this is an issue of big expense to the homeowner to have drawings drawn up and go through the work of an application to the Board for something that the Board really cannot deny. There is no on-street parking allowed, so if someone does not have a functional driveway it is going to be approved.

Chairman Papp stated that Council is changing the ordinance to improve the ordinance for driveways and it is the Board's objective to understand the meaning, should something come before our Board in the future.

Board Attorney Kennedy added that under law, when Borough Council introduces a zoning ordinance, they have to, by law, forward it to the Planning Board to say that it is consistent with the Master Plan or inconsistent with the Master Plan.

Ms. Heinz questioned changes of driveways pertaining to impervious coverage.

Board Engineer/Planner Avakian stated that the condition of the driveway location will not require a variance. The impervious coverage will require a variance. It will be determined by the Zoning Office. The location is specific to this ordinance. Do not punish the homeowner if they want to put the same driveway back.

Chairman Papp asked the Board if there were further questions. There were no additional questions by the Board.

Board Engineer/Planner made note of the letter he prepared on the consistency with the Master Plan.

Chairman Papp noted that the change is impactful and involves so many of existing properties in town.

Board Attorney Kennedy noted that the Board motion would be authorizing Board Engineer/Planner Avakian's letter stating that the ordinance is constant with the Master Plan. There is not time to do a regular resolution due to Council timing.

Chairman Papp asked for a motion to find that the proposed resolution is consistent with the Master Plan and authorize Board Engineer/Planner Avakian's office to send a letter to the Borough Clerk.

UPON MOTION of Ms. Cernigliaro seconded by Mr. Wasilishen, carried, the Board agreed that the proposed ordinance regarding driveways is consistent with the Master Plan and authorized Board Engineer/Planner Avakian to send a letter to Borough Council.

ROLL CALL:

In Favor: Chairman Papp, Councilman Blasucci, Vice Chairwoman Umfrid, Mr. Wasilishen, Ms. Kane, Ms. Kapp, Ms. Cernigliaro and Ms. Heinz

Opposed: None

Ineligible: None

Abstain: None

Absent: Mr. Tilton and Ms. Dalton

Board Attorney Kennedy informed the Board that there is an uptick in fraudulent activity with computer hackers who are taking advantage of online access to Planning Board applications and have been sending emails to some applicants requesting fees be wired to a fraudulent account that looks familiar to the Borough account. The account is fake but sounds legitimate. It has happened several times recently. Board Attorney Kennedy suggests that an Addendum be added to the variance application to advise applicants of the scam that the Board/Borough will never ask for funds to be wired and explain how fees are to be paid by check or hand delivered to the office. This addendum would be included with the application.

Chairman Papp and the Board agreed that the addition of the addendum would be prudent.

Board Secretary Kneser stated that she was made aware of the issue by Board Attorney Kennedy and has already discussed the matter with the Borough Administrator asking for the information to be added to the Borough website.

Councilman Blasucci stated that Council is working on the ordinance pertaining to hot tubs.

Board Engineer/Planner Avakian noted that the ordinance must wait until next year so that it can be introduced and adopted in the same fiscal year.

Councilman Blasucci stated that he was reviewing penalties for the noise ordinance and increasing other penalties and asked for input from the Board. The Borough is very limited in the fines charged.

The Board had a brief discussion regarding noise ordinance and increasing the fines to aid in enforcement.

Vice Chairwoman Umfrid suggested that for something to be effective people have to know about it, so the penalties should be publicized to every resident. Make sure every house gets a copy of the ordinance so they can never say they did not know.

UPON MOTION of Councilman Blasucci, seconded by Ms. Kane, carried, the Board adjourned the meeting.

ROLL CALL:

In Favor: Chairman Papp, Councilman Blasucci, Vice Chairwoman Umfrid, Mr. Wasilishen, Ms. Kane, Ms. Kapp, Ms. Cernigliaro and Ms. Heinz

Opposed: None

Ineligible: None

Abstain: None

Absent: Mr. Tilton and Ms. Dalton

Approved: \_\_\_\_\_  
Chairman Papp

Attest: \_\_\_\_\_  
Gina Kneser, Secretary