

**BOROUGH OF INTERLAKEN
MINUTES- PLANNING BOARD
NOVEMBER 20, 2023 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 November 20, 2023, 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. The announcement was followed by the Pledge of Allegiance.

ROLL CALL:

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

Also Present: Board Attorney Kevin Kennedy and Planning Board Secretary Gina Kneser

Absent: None

UPON MOTION of Mr. Wasilishen seconded by Ms. Heinz carried, the Board approved the October 16, 2023, minutes.

ROLL CALL:

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

Opposed: None

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

Abstain: None

Absent: None

APPLICATION

711 Bendermere Avenue
Block 26/Lot 31, 32, 33.01
Addition
Anton

Board Attorney Kennedy asked if anyone in the audience has questions or comments regarding sufficiency of the notice they received.

With no comment from the audience, Board Attorney Kennedy stated that the Notice has been reviewed by himself and the Board Secretary and found to be in order. The Board has jurisdiction.

The following items were marked into evidence by Board Attorney Kennedy:

A-1 Application

A-2 Zoning Permit dated June 22, 2023

A-3 Denial letter dated September 25, 2023

A-4 Architectural plans prepared by Donald Passman dated September 7, 2023

A-5 Survey of property prepared by Charles Surmont dated January 19, 2021

A-6 Front yard setback plan (one sheet) prepared by Charles Surmont dated March 16, 2021

A-7 Colored photos of dwelling (3) labeled as A7a, A7b and A7c

A-8 Leon S. Avakian review letter dated October 27, 2023

Chairman Papp recused himself for owning a home within 200ft of the applicant and left the table.

Vice Chairwoman Umfrid resided over the application portion of the meeting.

Board Attorney Kennedy thanked Chairman Papp for his disclosure and stated that Chairman Papp has left the table and recused himself and will sit in the audience. No one who is good enough to volunteer on this Board loses their right to be a property owner and be concerned and express support for an application or opposition to an application or to ask questions about an application. A Board member does not lose that right because they are on this Board. Mr. Kennedy stated that he does not know if the Chairman has concerns. The typical thing that has to be said is that, as a Board, if the Chairman likes it or has concerns or opposes it, the Board cannot take his concerns any more seriously, any more intensely or any more to heart than the Board would with any other application or the opinion of any other resident. It is standard to say that.

Mr. Eric Anton, owner, and Mr. Passman of 1320 Allaire Avenue Ocean NJ, were sworn in by Board Attorney Kennedy.

Mr. Anton confirmed ownership of a single-family home that Mr. Anton resides in and has for 24 years.

Mr. Passman confirmed he is testifying as a current licensed architect in NJ and has testified before this Board in the past and has been accepted as a qualified professional.

Mr. Anton stated that he has lived in town and the house for 24 years and loves the house and the piece of property. Fourteen or fifteen years ago a pool was added, and the pool house was renovated. The original house was built in 1926 and is rather small. About a year ago, Mr. Anton's mother-in-law moved in and is there with people coming and going to help her. The house is very small, and Mr. Anton decided to expand and add a bedroom and bathroom for his mother-in-law. The Anton's spent a lot of time on the design and on the new face to make the house look like it

was always built this way. There is no change to the look or design. The Anton's tried to make it look as if it was built in 1926. There were two considerations, one is to add a second level to the easterly one-story space which is a TV room sitting room and the second thing would be to add a front porch.

Mr. Passman stated that the house was an old center hall colonial two-story. On the east there is a one-story wing and on the west side there is a one-story wing that is a little bit longer. Both are 9ft wide. The east side is 14ft deep. The screened in porch on the west side is 18ft long. There was a little front portico, just something in front of the stoop. The idea of the client is that more space is needed for the reasons mentioned. The east side one-story wing is only 7.6ft from the property line whereas the required is 15ft. The other side yard setback is way more than it needs to be. There will be an addition to the rear that is not encroaching on the minimums at all. Because there is a proposed addition to the front and there is an average setback, it was requested that Mr. Surmont do a survey of the properties within 200 ft and came up with the average setback of 32.4ft. There is a porch in the plan. Mr. Anton did not want it too deep because of asking for more variance, so the porch it is only like 6ft 4 1/2in from the house to the outside of it. With the railing the porch is 6ft clear. It is the minimum to have some chairs which is desired. The porch is about 6 1/2 ft out. The porch encroaches to 28.9ft from the front yard property line instead of the required 32.4 by way of the average. However, that is to the porch. The measurement to the actual dwelling is 35.4ft These measurements are shown on the chart. The actual house does comply and also these two wings comply they are set back just a little bit from the front face of the dwelling. The porch is appropriate size and shape, and it went across the main length of the house. The porch gave the aesthetics a boost just by having a little more porch like a lot of houses do in Interlaken. As far as the rest of the interior, the west wing is now instead of 9ft and a screened in porch is now 11 1/2 ft of enclosed space and has a bedroom for Mr. Anton's mother-in-law and behind it is a bathroom and a closet. It is all integrated on one side of the house. Rest assured; this is not a separate apartment. There is no separate kitchen. It is not a mother-daughter situation. It is a bedroom to help her while she is capable and in the house. As far as the rest of the renovations are concerned, the stairway is right off the front door. We turned it. The addition is 14 ft to the rear. The roof is coming off, so the roof is going to be taller, but it is still under the 25ft height limit from the top of curb to the ridge at 35ft maximum. The roof is just under that, so the same pitch was kept as what is there now but the house being deeper it goes taller by about 4/12 feet. The other variance being sought is on the east side where there is an existing 9ft x 14ft den. The second floor helps provide some additional space including a bathroom for the front bedroom. The existing front bedrooms are very small 10 1/2ft x 13ft or 12ft. Both the front and back bedrooms are going to be enlarged with better closet space. A bathroom will be preferable for Mr. Anton's son who is a teenager who wants to have his own bedroom, which is common these days. That second floor addition that a variance is being requested for will be as close as the space below. It would be impossible to put an addition on at 15 ft because it would only be a 2ft or 3ft addition. The plan is mimicking the size and shape in terms of the footprint for the second floor. The difference is that, on this design, the addition is going to have a hip roof to try to keep the profile lower, instead of having a gabled roof where it feels taller against the neighbor's property. That might help at least play it down a bit and to try not to overextend. This is the hand that was delt with the house so far shoved to the east. Had the house been moved over 7 1/2 more feet there would be no need for that particular variance. There is plenty of room on the other side. This is an overview of the proposed project. The Board can see by the plans and by the new elevations that it is in keeping

with not only the house but within the neighborhood. The similar siding roofing materials, the slopes, the proportion of windows are all meant to be in keeping with what is there so that it does not look like something brand new or an addition that was stuck on and it looks like it has compatibility. Mr. Avakian's comments mentioned what the variances were and so forth and his only comment, that is easy to accommodate on Page 3, letter A was that a general note should be added to the site diagram stating that the existing curb and sidewalk at the frontage will be replaced if found to be in poor condition. Mr. Passman stated that he does not think they are in poor condition right now. In dealing with engineers, this note comes up in the comment for zoning if the engineers feel the sidewalk may be crushed or damaged during construction. This note generally comes up in the comment for Zoning. Of course, the note can be added to the plan and also in the plans submitted for the construction permit. Mr. Passman asked if there were any questions.

Vice Chairwoman Umfrid asked if there were any questions from the Board.

Mr. Wasilishen asked what will be on the second floor on the west side.

Mr. Passman stated it would be additional space for the primary bedroom. Used page A3 to show it is a sitting room.

Board Attorney Kennedy confirmed that the plans being used by Mr. Passman for his description have already been marked into the hearing.

Mr. Wasilishen asked where the teenager would sleep.

Mr. Passman stated that the teenager would sleep in the front bedroom, number three. The bedroom is in the front right-hand corner which is a bedroom right now. The proposed plan gives desk space. The daughter is in the back. There will be some privacy with separate bathrooms.

Ms. Kapp questioned the height of the house, stating that Mr. Passman referenced the height of the house pertaining to the curb.

Mr. Passman stated the height is just below the 35ft limit by an inch or two.

Mr. Passman confirmed that the height measurement was taken from the crown of the road verified by a topographic survey prepared by Charles Surmont and measured from the crown of the road. The measurement is listed on A-4. Mr. Passman apologized for the incorrect reference during his review.

Councilman Blasucci received clarification regarding the crown of the road measurement from Mr. Passman.

Vice Chairwoman Umfrid asked about the two decks being proposed. One is off the front of the house, off the second floor on the east side and one in the bac.

Mr. Passman stated the front deck was on the west side. On the first-floor plan there is a deck that goes across and steps to get down to the ground. It is a small deck.

Vice Chairwoman Umfrid asked about the deck on the west side off the bedroom. There appears to be an open porch that is being added over the den.

Vice Chairwoman Umfrid questioned a handicapped ramp on the plan.

Mr. Passman stated that the handicapped ramp is on the plan, and he is unsure whether it would be built. Want to have approval for it on the west side in case it is needed.

Ms. Kane asked about the windows on the attic floor.

Mr. Passman explained the floor is not bedroom space and can be used for a home office or playroom space. It is a habitable attic. It is one third of the area of the floor below at a 7ft height. It is not full height. Under the roof rafters there is not full height. It slopes up flatten out at about 7ft and the windows are there to give light into that space.

Vice Chairwoman Umfrid asked about the one-story garage on the property. In the front of the house on the west side is where there seems to be cars parked. Is there a driveway where cars can be parked? Is the garage used?

Mr. Anton stated that they do not park cars in the garage.

Vice Chairwoman Umfrid questioned whether there is a driveway that goes to the garage.

Mr. Anton stated that there is just grass. Mr. Anton believes there used to be pebbles leading to the garage.

Vice Chairwoman Umfrid stated that the applicant is adding a porch in the front yard. There is a fence with no driveway to the garage, so the cars are all in the front yard. Vice Chairwoman Umfrid questioned the access to the garage.

Mr. Anton stated that there is a classic 1974 car stored in the garage and is taken out two or three times a year. It is driven over the grass. The gate opens so that a car can be put in the garage.

Mr. Tilton questioned whether the driveway is going to be expanded. re you expanding the driveway.

Mr. Anton stated that the driveway will not be expanded.

Mr. Passman stated that the site plan includes the rectangle that shows two cars can be parked.

Ms. Kapp questioned whether the water table was studied for the extensive additional basement.

Mr. Passman stated that no studies were done yet. It is about 6 ft from the bottom of the joist. It is for utility and light storage.

Mr. Anton stated the basement was wet.

Mr. Passman stated that you can walk in the basement.

Mr. Passman stated that in order for the footings to be below frost line. It has to be three feet and there is the existing location of the grade. Then you have a basement. It is just automatic. The slab would typically be at the footing top and matches what is there. That is what is being done. Matching what is there. It is natural when the basement is dug out it will level up with the existing basement. There is no real living space in the basement. The space is not really appropriate.

Ms. Kapp stated that she brings this matter up more from a concern and knows there is nothing specific in the code for construction. There is an ordinance for pools where you cannot be within two feet of the high-water table. While the applicant is within compliance, Ms. Kapp would be curious to see where the project is related to the water table, because this project is an extensive amount of potential impact on the water table.

Mr. Passman suggested using a boring to see where the water table. The bottom of the footings should be two feet above the water table. For example, if there is water problem based on soil boring that has not been done, the slab would not be put down that deep. It could have it a little higher out of the ground and have some dirt there. Maybe one corner may be kept a basement at the SE corner, but it is important to have a crawl space at least so utilities can run through there.

Vice Chairwoman Umfrid opened the floor for public questions only.

Thomas Papp 37 Rona Street was sworn in by Board Attorney Kennedy.

Mr. Papp asked for an explanation of some of the aesthetics of the project.

Mr. Passman turned the boards of plans that had previously been marked into evidence and that he was using to face the public audience and gave descriptions of the elevations. Mr. Passman stated that the front of the house improvements match the front of the house almost exactly. The windows are the same. The roof line goes up the same slope as what is there now. On the west side the windows are very similar to what is there now. On the east side there are three windows that are part of the den. There is a den on the west side and steps going down from the side. There is a deck on the rear that runs all the way across the back. There are dormer windows. The materials match all existing materials.

Jonathan Goldstein Cohen, 715 Bendermere Avenue, the house directly to the west of 711 Bendermere Avenue, was sworn in by Board Attorney Kennedy.

Mr. Cohen asked if the existing driveway would remain where it is and remaining the same?

Mr. Passman said that the driveway would remain the same.

Mr. Cohen stated that, right now, there are three cars, one is parked askew on the sidewalk and there are two others and it is a small path.

Mr. Cohen asked if anything being done to existing garage which is close to his property?

Mr. Passman said nothing is being done to the garage.

Mr. Cohen asked if there were any color renderings or CAD drawings of the project?

Mr. Passman stated that existing colors are on the photos and the colors will be very similar.

Mr. Passman answered Mr. Cohen's questions regarding the patios and paths that they are not changing except for the area being changed for the addition.

Mr. Passman answered Mr. Cohen's questions regarding the deck stating that there a 14ft addition to the end of the steps and is roughly 10 ft difference.

Mr. Cohen asked if there had been any modeling of how this project will affect the houses on the east and west as far as shadows and light.

UPON MOTION of Mr. Wasilishen, seconded by Ms. Heinz, carried, the Board opened the floor for public comment.

ROLL CALL:

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

Opposed: None

Ineligible: None

Abstain: None

Absent: None

Mr. Cohen stated that his concern was for himself and Ms. Berkner at 707 Bendermere Avenue. The project is extremely close. There are mere feet between the two houses. How is this going to affect the light and the shadows? Is the project going to cast Ms. Berkner's house in darkness and the same thing on Mr. Cohen's side as well. There is some distance on Mr. Goldstein's side, but this is a substantial addition, and these are primary concerns.

Mr. Passman stated that the east side piece was one-story becoming two stories. There is about an eight-foot lift of that wall and yes, it is 7 ½ feet from the property line. It appears that the other

house adjacent is about 15 ft away. There is still a substantial amount of distance between the two properties. The sun is setting in the west, and it is casting a shadow. It is not much different of what exists today and does not have anything to do with it. The perception from the front is almost the same. The main body of the house, which is rising 4 ½ feet because of the higher roof line, is not adding much volume to the actual space. Mr. Passman does not see where it is doing anything detrimental. Mr. Passman stated that there is not a real detriment to the neighborhood. Any time something is added to a house or any structure it changes the situation. In this case, minus that one little piece on the east side and even the front, this house could have that addition. By right if the left side was not there, this could be added and that would be completely within Mr. Anton's right. It is one little piece. There is no additional footprint being added. The applicant is not trying to get closer, just going vertical. There is a lot of change of light because of this addition.

Vice Chairwoman Umfrid questioned the ownership of the large evergreens in the photos.

Mr. Anton stated that he believed the evergreens were Ms. Berkner's evergreens.

Ms. Ginny Berkner, 707 Grassmere Avenue, was sworn in by Board Attorney Kennedy.

Mr. Berkner looked at the photo and agreed that the Tudor home in the photo was hers and that the tree in the photo was not an evergreen, but it did belong to her.

Mr. Passman stated that only some branches would be trimmed. It would not mean the death of the tree.

Vice Chairwoman Umfrid stated that trimming the tree would expose the addition more toward the neighbor.

Mr. Anton stated that they are pro tree and would not cut anything off that they do not have to. The more trees, the better to block the neighbor's view.

Ms. Berkner stated that Ms. Kapp spoke about the water table. Ms. Berkner stated that there is an issue with the water table in her yard. The last storm the entire back yard was flooded to her deck. Ms. Berkner realizes everyone else had the issue with the last storm. It has just been a continuing problem for years in the backyard. There is a shed which was installed years ago to replace a very old garage and when it rains badly the back gets flooded by this shed. There is a pool that was there when Ms. Berkner bought the property 30 years ago. It is a problem.

UPON MOTION of Mr. Weaver, seconded by Ms. Dalton, carried, the Board closed the floor for public comment.

ROLL CALL:

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

Opposed: None

Ineligible: None

Abstain: None

Absent: None

Vice Chairwoman Umfrid asked Board Attorney Kennedy if the two variances should be voted on together or separate.

Board Attorney Kennedy respectfully suggested that they be voted on together as one integrated application.

Board Attorney Kennedy stated to the Board that as the Board knows there are standards because a variance means, obviously by its very nature, that they are deviating from the Borough's zoning requirements. Just for the record, the standards in this type of variance, is that it is either, one, it is a hardship. This does not apply to economics. It is a physical hardship, given the shape or topography of the property or something like that, or two it is a flexible C 2 standard, which is, even though it is not a hardship, the benefits of granting the application outweigh the detriments. As is always the case, the applicant has to prove that the application can be granted without causing substantial detriment to the public good and that is why the Board has heard as much testimony was given. That is the Board's charge. As a Board to review this testimony and decide if the Board is going to approve the application or approve it with conditions and or not.

Board Attorney Kennedy stated that if the application were to be approved there would be presumably a potential number of conditions. One would be compliance of all the promises commitments and representation that the team made tonight. If it was said during the hearing, it counts. Typical grading and drainage regulations provide that you cannot drain onto other adjacent properties. Everything must be handled on site, so ultimately if the application were to be approved the Board would want grading and drainage details reviewed and approved by the Board Engineer to confirm the absence of any adverse run off onto any adjacent properties. In compliance with Leon S. Avakian Inc's review memorandum, the architect had agreed to one of those conditions. Compliance with any of the providing affordable housing regulations that the Borough has, obtaining any necessary outside approvals, whether it is the county or state, local sewer authority, no matter who it is. If the application materially changes as a result of obtaining those outside approvals further review and approval of this Board is necessary. Somewhere in the Engineer's review letter it mentions a change that is required in the zoning regulations. If there is a discrepancy, that needs to be changed. Also in the review letter, and this was referenced, to put a note that the existing curbing and sidewalk along the frontage would be replaced if in poor condition or if it is damaged as a result of the construction process. Then there is a 12-month time frame in which building permits need to be obtained in conjunction with any approval. The applicants talked about tonight, if this approved, the Board would typically want confirmation that it is a single-family home. It is not a mother-daughter or a two-family home, the applicants testified that there is no separate apartment. There is no separate kitchen. It is not a mother-daughter. Our board member asked to review to make sure the height is measured in accordance with the Borough's standards from the crown of the road to be verified by the Board engineers. Compliance with building and construction code requirements. Theoretically there should be a notation that the

ramp may or may not be ultimately constructed or installed just so that if it was installed and they deviated they would not have to necessarily come back to the Board. The Board talked about compliance with prevailing flood regulations. In terms of being contingent upon the applicants doing soil boring and do other testing to determine and make sure that there be no disturbance to the water table and make sure it complies to the Borough prevailing regulations in that regard and recognizing that if there is a problem there might have to be adjustments made and having that crawl space but that would all be subject to the review and approval of the Board Engineer. Confirmation that there is no changes or improvements to the existing garage on the site. For the record, if the Board grants approval it would be for the variance, but approval cannot be given to trim trees on the other peoples' properties and complying to the tree preservation ordinance that the Borough has and a good faith effort to preserve the trees and shrubs on the site. Sometimes the Board says that the trees must be perpetually maintained and replace and replant the landscaping if that was acceptable and the review of the grading and drainage detail.

Board Attorney Kennedy confirmed for Board Secretary Kneser and Mr. Passman that the timeframe for obtaining building permits would be 12 months rather than the previously stated 24 months.

Ms. Kapp asked that the verbiage be altered to say that the below grade space will comply with the current pool regulations regarding the water table.

Mr. Passman stated that it is not determined at this time where the water table is. What happens if the applicant cannot comply with those requirements.

Ms. Kapp suggested using micro piles as an alternative.

Ms. Kapp stated that the water table is the biggest issue right now.

Ms. Passman stated that it is unknown if this part of town would be an issue.

Ms. Kapp stated that she is not a Civil engineer. The Borough's soil is a little sandier than most.

Councilman Blasucci stated that he does not understand why the applicant would have to comply with a pool regulation for a basement. Is the Board writing code now?

Ms. Kapp stated that she feels that it should go that way, especially with the concerns that the neighbors have and especially with the high-water table.

Board Attorney Kennedy stated that he understands the concern. It can be confirmed by the Board engineer. Whatever the standard is, whether it be the pool regulation or the absence of any impact on surrounding properties.

Ms. Kapp stated that currently there are no regulations regarding basements. In theory you can build a basement 40-60ft deep. There is nothing regarding the water table. However, the Board knows that the water table is a major issue in this town. This is why pool regulations were put into effect, to mitigate people going into that water table. Ms. Kapp understands that if the applicant

did not have to come before this Board, the applicant could have built a 60-foot basement and she is not against that. But since there is a variance, this sort of gives the Board an option to add a caveat, to try to mitigate some of that impact. It is a large basement going in. The applicant may not need to do anything, if the borings come back and they are fine.

Mr. Anton noted that if the borings come back, it probably would save a lot of money by not building a basement. It is not a huge concern.

Mr. Kapp stated that rather than saying go get borings and come back, the Board would put the caveat in so the applicant can go forward without going back and forth.

Mr. Anton noted that his sump pumps don't go unless it is raining. Over 24 years it has flooded half a dozen times.

Ms. Kapp stated that if there was not a variance that applicant could do their thing. It is an opportunity that the Board has since the Board has not been able to change the code to include basements. This is like our get.

Vice Chairwoman Umfrid stated that she thinks this is an excellent suggestion. It is for the applicant's piece of mind and protection and thinks it is a benefit.

Mr. Anton stated he is fine with it.

Vice Chairwoman Umfrid called for a motion stating that Board Attorney Kennedy has already gone over all of the contents of the conditions, so they do not have to be restated.

UPON MOTION of Ms. Kapp, seconded by Mr. Tilton, carried, the Board closed the floor for public comment.

ROLL CALL:

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

Opposed: None

Ineligible: None

Abstain: None

Absent: None

Mr. Anton thanked the Board and wished everyone a Happy Thanksgiving.

Mr. Anton and Mr. Passman left the meeting.

Chairman Papp joined the table.

Chairman Papp noted to the Board that he was aware that the Board had discussed the status of the Land Use Continuity review presented to Council at the last meeting. Chairman Papp stated that he discussed this status with Board Engineer Avakian who stated that Council made review of the proposed changes and it is getting done. Three are in the process of getting written and he was in the process of preparing the documents into regulation form for Council's consideration. Chairman Papp will advise the Board of progress.

Board Attorney Kennedy noted that the ordinances will be forwarded to the Board to ensure that they are consistent with the Master Plan.

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

ROLL CALL:

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

Opposed: None

Ineligible: None

Abstain: None

Absent: None

Approved: _____
Thomas Papp, Chairman

Attest: _____
Gina Kneser, Secretary