

**BOROUGH OF INTERLAKEN  
MINUTES- PLANNING BOARD  
NOVEMBER 22, 2021 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 22,2021 at 7:30 p.m. at Borough Hall, 100 Grassmere Avenue, Interlaken.

Chairman Papp opened the meeting and read the following Sunshine Statement: *“THE NOTICE REQUIREMENTS OF THE OPEN PUBLIC MEETINGS ACT HAVE BEEN SATISFIED BY FORWARDING A VENUE CHANGE NOTICE TO THE COASTER AND THE ASBURY PARK PRESS THAT THE NOVEMBER 22, 2021, MEETING VENUE HAS CHANGED FROM BEING A VIRTUAL MEETING FORMAT TO BEING HELD IN PERSON AT 100 GRASSMERE AVENUE, INTERLAKEN. A COPY OF THE NOTICE IS POSTED ON THE OFFICIAL BOROUGH WEBSITE. ALSO, A COPY WAS PLACED ON THE DOOR AT BOROUGH HALL AND IS ON FILE IN THE BOROUGH CLERK’S OFFICE.”*

This announcement was followed by the Pledge of Allegiance.

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**ROLL CALL:**

Present: Chairman Papp, Councilman Butler, Mr. Tilton, Ms. Dalton, Mr. Wasilishen, Ms. Heinz, Mr. Weaver, Mr. Blasucci\* and Ms. Kapp

Note: Mr. Blasucci participated remotely via speakerphone

Also Present: Planning Board Attorney Sanford Brown, and Planning Board Secretary Gina Kneser

Absent: Vice Chairwoman Umfrid and Ms. Kane

UPON MOTION of Mr. Tilton to a approved, seconded by Ms. Heinz carried, the Board approved the minutes of October 18, 2021 meeting.

**ROLL CALL:**

In Favor: Chairman Papp, Mr. Tilton, Ms. Dalton, Ms. Heinz, Mr. Weaver, and Ms. Kapp

Opposed: None

Ineligible: Councilman Butler, Mr. Wasilishen and Mr. Blasucci

Abstain: None

Absent: Vice Chairwoman Umfrid and Ms. Kane

**MEMORIALIZATION**

An application had been presented to the Board at the October 18, 2021, meeting for swimming pool.

**BOROUGH OF INTERLAKEN PLANNING BOARD**  
**RESOLUTION GRANTING VARIANCE TO**  
**FAZIO RESIDENCE, 31 RONA STREET, INTERLAKEN, NEW JERSEY**

**WHEREAS**, ANGELO & KAREN FAZIO, hereinafter referred to as “Applicants”, are the owners of certain property known as Block 26, Lots 35.03, 36.01, 37.01 and 37.02 on the official tax map of the Borough of Interlaken, which property is located at 31 Rona Street in the Borough of Interlaken, County of Monmouth, an State of New Jersey; and

**WHEREAS**, said Applicants have requested approval from the Board for the construction of a swimming pool; and

**WHEREAS**, said property is located in the R-A Single Family Residential Zone of the Borough of Interlaken. Single-family dwellings are a permitted principal use in this district. The proposed swimming pool is a permitted accessory use; and

**WHEREAS**, in order to construct the swimming pool, variances are required because the Ordinance provides that a non-conforming lot or building may not be altered or enlarged unless the enlargement does not violate any yard setback or lot coverage requirements; and

**WHEREAS**, the Applicants received a denial from the Zoning Official indicating that the proposed swimming pool requires variances for the pool setback from building line, side setback to the pool, rear setback to the pool, and separation from seasonal high water table elevation; and

**WHEREAS**, after proper notice, a public meeting on the within application was held on October 18, 2021 at the Interlaken Borough Hall; and

**WHEREAS**, the Board has considered the reports of the Board Engineer, Peter R. Avakian P.E., P.P., dated August 27, 2021; a pool detail consisting of one (1) sheet prepared by Donald P. Schlachter, P.E., dated April 19, 2021, with no revisions; a sketch of survey consisting of one (1) sheet prepared by Stanley Hans, Jr., P.L.S., P.P., of R.C. Burdick, P.E., P.P., P.C., dated May 3, 2021, with no revisions; a pool variance plan consisting of one (1) sheet prepared by Robert C. Burdkick, P.E., P.P., and Stanley Hans, Jr., P.L.S., P.P., of R.C. Burdick, P.E., P.P., P.C., dated June 10, 2021, with the latest revisions dated July 29, 2021; five (5) photographs of the property; testimony of the Applicants; and the documents and exhibits presented in support of the application;

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

1. The Applicants are the owners of Block 26, Lots 35.03, 36.01, 37.01 and 37.02 on the current municipal tax map. The property is located at the northwest corner of Bendermere Avenue and Rona Street in the Borough of Interlaken, County of Monmouth and State of New Jersey.
2. The property contains an area totaling 14,404 square feet.
3. The minimum lot area permitted per the zoned district is 15,000 square feet. The existing lot area is 14,404 square feet, which represents an existing non-conformity.
4. The minimum lot width permitted per the zoned district is 75 feet. In the case of a corner lot, the lot line having the shorter distance along the street shall be considered the front lot line. The existing lot width is 100 feet along Bendermere Avenue, which conforms.
5. The minimum lot depth permitted per the zoned district is 150 feet. The existing lot depth is 133.42 feet, which represents an existing non-conformity.
6. The minimum front yard setback permitted per the zoned district is 50 feet except that no building shall be nearer to the street than the average alignment of existing buildings within

200 feet of each side of the lot and within the same block. The Applicants did not provide the average alignment for the front yard setback. The existing front yard setback is 33.6 feet along Rona Street and 35.1 feet along Bendermere Avenue, both of these setbacks represent existing non-conformities.

7. The minimum side yard setback permitted per the zoned district is 15 feet. The existing west side yard setback is 15.9 feet, which conforms.

8. The minimum rear yard setback permitted per the zoned district is 30 feet. The existing rear yard setback is 34.3 feet, which conforms.

9. The maximum building area coverage permitted per the zoned district is 25% of the lot area. The existing building coverage is 14.5%, which conforms.

10. The maximum impervious surface area permitted per the zoned district is 45% of the lot area. The existing impervious coverage is 30.5%, which conforms. The Applicants are proposing an impervious coverage of 34.9%, which conforms.

11. In Ordinance Section 13-3.1, all swimming pools shall be located in the rear yard area of the property. The Applicants are proposing the swimming pool in the rear yard, which conforms.

12. In Ordinance Section 13-3.2, pools shall occupy no more than 800 square feet as measured along the surface of the water. The Applicants are proposing a swimming pool area of 336 square feet, which conforms.

13. In Ordinance Section 13-3.3, bottom elevation of the pool structure shall not be less than two feet above the seasonal high groundwater elevation. The Applicants are proposing the bottom of the pool structure in the seasonal high-water table. A variance is required. The pool structure is 1.2 feet into the seasonal high-water table. Testimony was provided by the Applicants regarding the lack of impact of the swimming pool on the potential for displacement of

groundwater onto adjacent properties and the measures taken to prevent uplift and buoyancy.

14. In Ordinance Section 13-3.4, no portion of a swimming pool shall be closer than 10 feet to a property's building line or any structure located on the premises. The Applicants are proposing a separation of 12.4 feet between the existing dwelling and the proposed swimming pool. This separation conforms.

15. In Ordinance Section 13-3.5, swimming pools may be constructed with underwater lighting systems or exterior lights or both, provided that all exterior lights are located so that the light is directed or shaded in such a manner that no direct rays of light there from fall more than three feet upon any adjacent lots, and such light is neither directed nor reflected in such a way as to cause a nuisance or annoyance to neighboring properties. The Applicants indicated an underwater light will be in the center of the deep end facing east. Testimony was provided and the Board conclusions there are no concerns as to any light being an annoyance to neighbors.

16. In Ordinance Section 13-3.6.a, a good quality fence, which is not less than 50% open, shall enclose such pool. The fence shall be in compliance with the swimming Pool Code of New Jersey, including being equipped with a gate or gates of the same height as the fence and equipped with a self-locking device. The Applicants are proposing a fence greater than 50% open and with self-latching gate. The fence complies.

17. In Ordinance Section 13-3.6.b, swimming pools shall be completely surrounded by protective fencing with a minimum of four feet in height, but no more than five feet in height, which fencing shall include self-closing and self-latching gates. Such fences shall be suitably landscaped to minimize the visual impact on adjacent residential uses. The Applicants are proposing a fence height of four feet, which complies. The pool variance plan did not indicate any proposed landscaping. At the hearing, the Applicants provided testimony about landscaping. The grant of relief under this application is subject to the Applicants' submitting a landscaping plan,

subject to the approval of the Board Engineer which will integrate step laurels with the existing plantings and the other plantings suggested by the Applicants during the hearing.

18. In Ordinance Section 13-3.7, no sound-amplifying systems shall be permitted in connection with a swimming pool. The Applicants testified there shall be no such system.

19. In Ordinance Section 13-3.8, no swimming pool shall be drained into or cause to be overflowed into the municipal sanitary sewer system or into the public streets of the municipality. No pool's filter system shall be connected in any manner with the municipal sanitary sewer system. The Applicants are proposing a cartridge filter with no discharge which is satisfactory to the Board.

20. In Ordinance Section 13-3.10, no swimming pool shall be constructed within 10 feet of any rear or side property lot line or any existing structure. The Applicants are proposing a rear yard setback of 9.0 feet. A variance is required. The proposed side yard setbacks are 9.0 feet and 33.0 feet. A variance is required for the side yard setback of 9 feet. The Board grants this variance with the option provided to the Applicants to shift the location of the pool within the area of the side yards as testified to and agreed to by the Board during the hearing and as articulated under the Conditions section of this Resolution. The final location shall be confirmed on a final plan approved by the Board Engineer.

21. No pool shall be constructed at an elevation greater than 12 inches higher than the unaltered existing ground elevation. The Applicants are proposing an elevation change of less than 12 inches from the unaltered existing ground elevation. The Applicants shall ensure the proposed grading will not be directed onto the adjacent properties.

**WHEREAS**, the Board finds that the variances requested can be granted based on the flexible standards of N.J.S.A. 40:55D-7—c.(2) and that the positive and negative criteria have been proven as set forth in the Board's findings of fact set forth herein and as set forth in the proofs on the record; and

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of Interlaken that the application for variances pursuant to N.J.S.A. 40:55-D:70c-2 to construct a swimming pool, in accordance with the application submitted, as amended and approved as set forth in this Resolution is granted based on the satisfaction of the positive criteria and the Board's conclusion that the relief can be granted without substantial detriment to the public good and will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance, and subject to the following conditions:

A. The submission of a detailed landscaping plan for plantings along the western boundary of the lot, subject to the approval of the Board Engineer.

B. The final location of the pool may be changed by the Applicants from the plan marked into evidence at the hearing based on the testimony at the hearing and the agreement of the Board which would change the 8 foot setback on the north side yard of the pool area to no more than 8 feet which would therefore make the side yard on the southside of the pool area conforming, but subject to submittal of a final plan submitted to and approved by the Board Engineer.

C. Publication of a notice of this decision in the official newspaper serving the Borough of Interlaken and return of proof of publication to the Board Secretary;

D. Payment by the Applicants of all taxes, escrows and assessments to date. No building permit or certificate of occupancy is to be issued until proof is furnished to the Board Secretary that there are no taxes, escrows or assessments due or delinquent on the property in question.

E. The obtaining of all property building permits for construction, and construction in accordance with the documents marked at the hearings, and in compliance with the testimony and stipulations of the Applicants and the Applicant's expert at the hearing;

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

G. Pursuant to Ordinance Section 25-3, Applicants shall have one year from the date of this Resolution to start construction, otherwise this variance approval shall expire one year from the date hereof.

H. The Applicants must comply with all representations made on the record.

I. A general note should be added to the plan indicating the existing curb and sidewalk along the frontage will be replaced if found in poor condition.

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

**BE IT FURTHER RESOLVED** that this Resolution shall serve as one of memorialization of the action taken by this Board at its meeting on October 18, 2021.

The foregoing Resolution was offered by Mr. Tilton and seconded by Mr. Weaver and adopted on the 22<sup>nd</sup> day of November 2021 on Roll Call by the following vote:

ROLL CALL:

In Favor: Mr. Tilton, Ms. Dalton and Mr. Weaver

Opposed: None

Abstained: None

Ineligible: Chairman Papp, Councilman Butler, Mr. Wasilishen, Ms. Heinz, Mr. Blasucci and Ms. Kapp

Absent: Vice Chairwoman Umfrid and Ms. Kane

The Board continued the Land Use Continuity Discussion, led by Ms. Kapp.

Board questions regarding the proposed changes were reviewed. Changes to the following definitions were discussed: “Family”, “Garage”, “House of Worship”, “Lot Frontage”, “Half-Story”, “Structure”, “Building Area” and “Building Area Coverage”.

The Board discussed Permitted Accessory Uses. The Board also discussed Garage size and permitted uses for the garage. The replacement of Heritage trees removed during construction was discussed.

DEP requirements for building structures close to the lake were discussed. The House of Worship Overlay Zone was discussed.



The Board concluded that the Land Use Continuity Review is complete and voted that the revised review be prepared by Ms. Kapp to be forwarded to Council for their review and consideration of the Board's recommend changes to the Borough Land Use Ordinances.

UPON MOTION of Ms. Dalton, seconded by Mr. Wasilishen, carried, the Board approved the revised Land Use Continuity Review be forwarded to Council.

In Favor: Chairman Papp, Councilman Butler, Mr. Tilton, Ms. Dalton, Mr. Wasilishen, Ms. Heinz, Mr. Weaver, Mr. Blasucci, and Ms. Kapp

Opposed: None

Ineligible: None

Abstain: None

Absent: Vice Chairwoman Umfrid and Ms. Kane

Chairman Papp and the Board thanked Ms. Kapp for her work on the Land Use Continuity Review.

Board Secretary Kneser stated that there were no applications pending for Board Review for the December meeting.

UPON MOTION of Mr. Weaver, seconded by Councilman Butler, carried, the December 20, 2021 Planning Board meeting was cancelled.

In Favor: Chairman Papp, Councilman Butler, Mr. Tilton, Ms. Dalton, Mr. Wasilishen, Ms. Heinz, Mr. Weaver, Mr. Blasucci, and Ms. Kapp

Opposed: None

Ineligible: None

Abstain: None

Absent: Vice Chairwoman Umfrid and Ms. Kane

UPON MOTION of Ms. Heinz, seconded by Ms. Dalton, carried, adjourned the meeting.

In Favor: Chairman Papp, Councilman Butler, Mr. Tilton, Ms. Dalton, Mr. Wasilishen, Ms. Heinz, Mr. Weaver, Mr. Blasucci, and Ms. Kapp

Opposed: None

Ineligible: None

Abstain: None

Absent: Vice Chairwoman Umfrid and Ms. Kane

Approved: \_\_\_\_\_

Mr. Papp, Chairman

Attest: \_\_\_\_\_

Gina Kneser, Secretary