

**BOROUGH OF INTERLAKEN
MINUTES- PLANNING BOARD
OCTOBER 16, 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 October 16, 2023, at 7:30 p.m. in the Borough Hall.

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

Also Present: Board Attorney Kevin Kennedy (via speakerphone) and Planning Board Secretary Gina Kneser

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

The Board discussed corrections to the September 18, 2023 meeting minutes.

UPON MOTION of Mr. Tilton seconded by Mr. Wasilishen carried, the Board approved the September 18, 2023 minutes.

ROLL CALL:

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

Opposed: None

Ineligible: Mr. Weaver

Abstain: None

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

MEMORIALIZATION

Board Attorney Kennedy attended by speaker phone and reviewed the Board Attorney Kennedy read the conditions of approval or the Board.

RESOLUTION

**INTERLAKEN PLANNING BOARD
MICHAEL FULLEN
411 BENDERMERE AVENUE
INTERLAKEN, NJ
BLOCK 22, LOT 15**

Introduction

WHEREAS, Michael Fullen has made Application to the Interlaken Planning Board for the property designated as Block 22, Lot 15, commonly known as 411 Bendermere Avenue, Interlaken, New Jersey, within the Borough's R-A Zone, for the following approval: Bulk Variances associated with a request to effectuate a number of improvements to an existing single-family home; and

Public Hearing

WHEREAS, the Board held a Public Hearing on September 18, 2023, 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;*
- *Zoning Officer Denial Letter, dated June 5, 2023, introduced into Evidence as A-2;*
- *Zoning Permit, dated June 5, 2023, introduced into Evidence as A-3;*

- *Architectural Plans, prepared by Mary Ann Ortman, Architect, dated May 23, 2023, consisting of 4 sheets, introduced into Evidence as A-4;*
- *Survey, prepared by InSite Engineering, LLC, dated January 18, 2023, introduced into Evidence as A-5;*
- *Leon S. Avakian, Inc. Review Memorandum, dated July 25, 2023, introduced into Evidence as A-6;*
- *6 pictures of the subject property, collectively introduced into Evidence as A-7;*
- *Leon S. Avakian, Inc. Review Memorandum, dated August 9, 2023, introduced into Evidence as A-8;*
- *Architectural Plans, last revised July 27, 2023, introduced into Evidence as A-9;*
- *Affidavit of Service;*
- *Affidavit of Publication.*

Witnesses

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

- Michael Fullen, Applicant, appearing pro se;
- Mary Ortman, Architect;

Testimony and Other Evidence Presented on Behalf of the Applicant

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

- The Applicant is the Owner of the subject property.
- The Applicant has owned the subject property since approximately 2009.
- There is an existing 2-story single-family home located at the site.
- The Applicant lives at the site.

- There is a need for increased living space.
- In order to increase living space, and make the existing home more functional, the Applicant is proposing to effectuate a number of improvements.
- The Applicant's proposed improvements include the following:
 - Construction of a 1-story addition;
 - Construction of a Mud Room / Boot Room addition;
 - Expansion of attic space;
 - Installation of new steps and a landing;
 - Removal of an existing side entry / steps / landing;
 - Removal of some existing patio and walkways; and
 - Removal of approximately 75 SF of existing bluestone at the site.
- Details pertaining to the proposed improvements include the following:

Addition

Size:	Approximately 256 SF
Location:	Rear of existing home (per Plans)
Number of stories:	1
Purpose:	Family Room, etc.
Materials:	Per Plans

Mud Room Addition / Boot Room Addition

Size:	Approximately 45 SF
Location:	Eastern side of home (per Plans)
Number of stories:	1
Materials:	Per Plans

Expansion of Attic Space

Location:	Attic
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Detail of improvements:	a) Installation of a new / higher roof; b) Installation of a new gable wall with triple windows; c) Installation of a new shed dormer;
Materials:	Per Plans (the materials will match the exiting architectural details / materials)

New Steps / Landing

Location:	Eastern side of home (per Plans)
Size:	Approximately 24 SF
Material:	Wood
Covered / Uncovered?:	The new steps / landing will be uncovered.

Removal of Existing Side Entry / Steps / Landing

Location:	Eastern side of property (per Plans)
Size:	Approximately 30 SF

Removal of Designated Patio and Walkways

Location:	Rear of home (per Plans)
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Removal of Existing Bluestone

Size of blue stone area to be removed:	Approximately 74 SF
Location:	(Per Plans)

- Upon completion of the construction / renovation process, the home will include the following:

FIRST FLOOR

Living Room

Vestibule
Bathroom
Nook
Dining Room
Mud Room / Boot Room
Kitchen
Lounge

SECOND FLOOR

Primary Bedroom
Primary Bathroom
Bathroom
Bedroom #2
Bedroom #3
Bedroom #4

ATTIC

Mechanical Space / Storage
Bathroom
Bedroom
Closet / Storage
Storage

- In conjunction with the renovation process, the entire home will be re-sided, with a shingle style material.
- There are no driveway improvements associated with the within Application.
- The Applicant anticipates have the construction / renovation work completed in the near future.
- The Applicant will be utilizing licensed contractors in connection with the construction / renovation process.

Variances

WHEREAS, the Application as submitted requires approval for the following Variances:

*SIDE YARD SETBACK (WEST SIDE): Minimum 15 ft. required;
whereas 9 ft. is proposed (on the west side of the property);*

IMPERVIOUS SURFACE AREA: Maximum 45% allowed; whereas 48.7% proposed (49.8% currently exists);

FRONT YARD SETBACK: 50 ft. required (or the average alignment of existing buildings within 200 ft. on the side of the Lot, and within the same Block permitted); whereas 37.9 ft. proposed;

Public Comments

WHEREAS, sworn public comments, questions, and / or concerns regarding the Application were presented by the following individuals:

- NONE

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 jurisdiction to hear the within matter.
2. The subject property is located at 411 Bendermere Avenue, Interlaken, New Jersey, within the Borough's R-A Zone.
3. The subject property is rectangular in shape, measuring 50 ft. in width by approximately 190 ft. in depth.
4. The subject property contains 9,590 SF, and the same is an undersized lot.
5. The existing site contains a 2-story single-family home. (Single-family Use is a permitted use in the subject Zone).

6. In order to increase living space at the site, and in order to make the existing home more functional / modern, the Applicant is proposing to effectuate a number of improvements.

7. The proposed improvements include the following:

- Construction of a 1-story addition;
- Construction of a Mud Room / Boot Room addition;
- Expansion of attic space;
- Installation of new steps and a landing;
- Removal of an existing side entry / steps / landing;
- Removal of some existing patio and walkways; and
- Removal of approximately 75 SF of existing blue stone at the site.

8. Details pertaining to the proposed improvements are set forth herein, are set forth on the Plans, and were discussed, at length, during the Public Hearing process.

9. Such a proposal requires Bulk Variance approval.

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

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

- Single-family use is a permitted use in the R-A Zone.
- Per the testimony and evidence presented, there is a need for increased living space at the site.
- The Board recognizes that the Applicants' goal associated with the within proposal is to increase living space at the site, and to make the home more functional, for a modern family.
- The Board recognizes, accepts, and understands the aforesaid bases for the subject Development Application.

- The addition approved herein will result in the home having more living space and being more functional, without causing substantial detriment to the public good.
- The Board notes that the subject Lot is an undersized Lot. Specifically, a minimum 15,000 SF Lot Size is required in the Zone – whereas the subject Lot only contains 9,590 SF. The Board notes that the said condition is an existing condition, which is not being exacerbated as a result of the within approval.
- The Board understands that the undersized Lot compromises the ability of the Applicant to satisfy all Prevailing Bulk Standards.
- The Lot currently has an undersized width. Specifically, a minimum width of 75 ft. is required; whereas, the width of the within Lot is only 50 ft., which is an existing condition.
- In conjunction with the above point, the Board notes that the narrowness of the subject Lot helps justify the requested Variance relief.
- The minimum Front Setback required in the Zone is 50 ft. (or an average alignment of the existing buildings within 200 ft. of the side of the Lot, and within the same block). The Board is aware that the existing Front Setback is a non-conforming 37.9 ft. The Board is also aware that the said condition is an existing condition, which is not being changed or otherwise exacerbated as a result of the within approval (although the said condition will be continued).
- The minimum Side Yard Setback allowed in the Zone is 15 ft.; whereas, the existing West Side Yard Setback is only approximately 8.1 ft. The Board notes that the said condition is a pre-existing condition.
- The Board notes that the addition approved herein will have a non-conforming West Side Yard Setback of 9 ft.
- While the 9 ft. is non-conforming, the 9 ft. Side Yard Setback represents a slight increase over the existing West Side Yard Setback (which is only 8.1 ft.).
- Given the fact that there is an existing residential structure at the site, and the Applicant is proposing an addition to the same, the Board recognizes that, in the within circumstances, a general continuation of the existing Side Yard Setback is appropriate.
- Under the circumstances, it is only natural for the addition to continue (and slightly improve) the pre-existing non-conforming 8.1 ft. West Side Yard Setback.

- With the within approval, the non-conforming West Side Yard Setback will be continued and slightly improved, but not exacerbated.

- The Application as presented requires a Variance for Impervious Coverage. The relevant calculations in the said regard include the following:

Maximum allowed impervious coverage	45%
Existing impervious coverage	49.8%
Proposed impervious coverage	48.7%

- The Board notes that because some aspects of the proposed improvements will be constructed over land which has already been developed, there is not too much of a change in the overall Impervious Coverage at the site.
- Moreover, and as referenced above, approval of the within Application will actually reduce the overall Impervious Coverage from 49.8% to 48.7%.
- Approval of the within Application will reduce the overall Impervious Coverage (albeit only a slight decrease).
- The Board recognizes that the decrease in overall Impervious Coverage is associated with the Applicant’s proposal to eliminate a patio, some walkways, steps, landing, and existing bluestone.
- The Board appreciates the Applicant’s desire to reduce the overall Impervious Coverage at the site.
- Though the overall Impervious Coverage still exceeds that which is allowed by Ordinance, the within Application does, in fact, represent an overall reduction in the same.
- Additionally, as a condition of the within approval, grading and drainage details will be reviewed and approved by the Board Engineer, so as to further confirm the absence of any drainage issues associated with the excess coverage.
- The Application as presented also requires a Front Yard Setback Variance. The Board notes that the existing structure has a non-conforming Front Yard Setback of only 37.9 ft., and the addition approved herein will honor / continue the same non-conforming Front Yard Setback (of 37.9 ft.).
- Approval of the within Application will not change the existing Front Yard Setback at the site – but approval will only continue the said pre-existing non-conforming condition.
- Approval of the within Application will not result in the structure being located any closer to the street than currently exists.

- Given the fact that the existing structure has a Front Setback of 37.9 ft., the Board notes that it is only natural and logical for the roof improvements authorized herein to honor / continue the same Front Yard Setback.
- The Board notes, that, per the testimony and evidence presented, there is a need for increased living space at the site.
- The Board notes that the improvements authorized herein (with the new siding) will allow the renovated structure to more closely resemble the style of the original home.
- The Board finds that the renovated structure approved herein will be in keeping with the character of residential development in the neighborhood.
- The Board applauds, and appreciates, the overall architectural design of the renovated structure approved herein.
- The renovated home approved herein will add to the general overall architectural charm of many of the homes in the Borough of Interlaken.
- Subject to the conditions contained herein, the improvements approved herein will not overpower the site, the neighborhood, or the Borough as a whole.
- Based upon the testimony and evidence presented and based on an intensive review of the Architectural Plans, there will be a seamless transition between the existing structure and the proposed improvements.
- The Board notes that there is a sufficient amount of landscaping at the site.
- The Board notes that the sufficient amount of landscaping helps mitigate any potentially adverse consequences associated with the Variance relief granted herein.
- The Board finds that the within proposal will significantly enhance the existing structure.
- The Board finds that the improvements authorized herein will result in a significant / aesthetic improvement.
- The significant visual / aesthetic improvements authorized herein will be beneficial for the property, the neighborhood, and the Borough of Interlaken as a whole.
- The materials for the addition will architecturally / aesthetically match the existing and to-be-renovated structure.

- The Board appreciates the Applicant's commitment to the Borough of Interlaken and the commitment to improve / upgrade the existing structure.
- There was no known opposition associated with the subject Application.
- No Parking Variance is required in connection with the subject Application.
- The existence of sufficient parking is of material importance to the Board – and but for the same, the within Application may not have been approved.
- Given the nature of the Lot and subject to the conditions set forth herein, the Board is of the opinion that the requested relief can be granted without causing substantial detriment to the public good.
- The improvements approved herein will not overpower or overwhelm the Site, or the neighborhood.
- Per the testimony and evidence presented, other development / expansion options were reviewed and considered – but the same were not really practical / feasible.
- Approval of the within Application will not appreciably change the nature of the existing and to-be-continued single-family use.
- The Plans approved herein are reasonable, given the site constraints, and given the Applicant's need to increase the overall functionality of the home.
- The proposed location for the Applicant's improvements are logical and practical.
- Subject to the conditions contained herein, the improvements authorized herein will not have any significant detrimental impact on adjoining property owners.
- The undersized nature of the Applicant's parcel / home limits the nature, size, and location of any proposed additions / improvements which can be constructed.
- Approval of the within Application will render the home more functional. However, approval of the subject Application will not appreciably intensify the existing single-family use at the Site. Consequently, the Board is of the collective opinion that the requested relief can be granted without impairing the intent or purposes of the Borough Zoning Plan / scheme.
- The proposed improvements will comply with the Borough's Prevailing Height Regulations and therefore, no Height Variance is necessary.

- Subject to the conditions contained herein, approval of the within Application will improve the overall appearance of the area.
- Approval of the within Application will make the existing home more functional, and approval will also improve the quality of life for the Homeowner.
- Additionally, the architectural / aesthetic benefits associated with the proposal outweigh the detriments associated with the Applicant's inability to comply with all of the specified Bulk Zoning Standards.
- The architectural design of the proposed improvements will not be inconsistent with the architectural character of other single-family homes / additions in the area (on similarly situated Lots).
- Subject to the conditions set forth herein, the benefits associated with approving the within Application outweigh any detriments associated with the same.
- 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.
- The improvements to be constructed herein will not be inconsistent with other improvements located in the Borough.
- 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 satisfies the Statutory Requirements of N.J.S.A. 40:55D-70(c) (Bulk Variances).

Based upon the above, and subject to the conditions contained herein, the Board is of the unanimous opinion 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 Applicant has 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 August 9, 2023 (A-8).
- c. The Applicant shall comply with all Prevailing Height Regulations, as no Height Variance relief is granted herein.
- d. Unless waived by the Board Engineer, grading and drainage details shall be reviewed and approved by the Board Engineer.
- e. The Applicant shall comply with all Prevailing Building and Construction Code Requirements.
- f. Per the Board Engineer Review Memorandum (A-8), the Applicant shall provide the Board Secretary and Board Engineer with the average Front Yard Setback alignment of the existing structures located within 200 ft. on the side of the Lot, and within the same Block. The said information shall be reviewed / approved by the Board Engineer.
- g. All aspects of the proposed improvements (including the increased attic space portion of the project) shall comply with Prevailing Building / Construction / Fire Code Requirements.
- h. If applicable, the renovation shall comply with Prevailing FEMA Regulations.
- i. 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
- j. If applicable, the proposed structure / renovation shall comply with applicable provisions of the Americans with Disabilities Act.
- k. The construction / renovation 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.
- l. The Applicant 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.

- m. 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. (To the extent the Application materially changes as a result of any such outside approvals, then, in that event, the Applicant shall be required to return to the Planning Board for further / amended relief.)
- n. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate / required fees and taxes.
- o. If required by the Board Engineer and the NJMLUL, the Applicant shall submit appropriate performance guarantees in favor of the Borough of Interlaken.
- p. Unless otherwise agreed by the Planning Board, the within approval shall be deemed abandoned, unless, within 24-months from adoption of the within Resolution, the Applicant obtains a Building Permit for the construction / development approved herein.

BE IT FURTHER RESOLVED, that all representations made under oath by the Applicant and / or his agents shall be deemed conditions of the approval granted herein, and any mis-representations 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, Mr. Wasilishen, Ms. Kane, Ms. Kapp and Ms. Heinz

AGAINST THE APPLICATION: None

ABSTENTIONS: None

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

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

OPPOSED: None

ABSTAINED: None

INELIGIBLE: Mr. Weaver

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

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Interlaken Planning Board on this 16th day of October, 2023

Board Secretary Kneser stated the next meeting would be November 20, 2023.

The Board had a brief discussion regarding Land Use Ordinance changes that had previously been reviewed by the Board and were requested to the Borough Council. The Board has requested a review of the outcome to Board Chairman Papp

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

ROLL CALL:

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

Opposed: None

Ineligible: None

Abstain: None

Absent: Chairman Papp, Councilman Blasucci, Ms. Dalton and Ms. Kne

Approved: _____
Kathy Umfrid, Vice Chairwoman

Attest: _____
Gina Kneser, Secretary