

**BOROUGH OF INTERLAKEN
MINUTES- PLANNING BOARD
OCTOBER 19, 2020 7:30 P.M.
BOROUGH HALL, 100 GRASSMERE AVENUE**

A meeting of the PLANNING BOARD of the Borough of Interlaken, Monmouth County, New Jersey was held on October 19, 2020 at 7:30 p.m. in the Borough Hall.

The meeting was held via Zoom.

Chairman Papp opened the meeting, and read the following Sunshine Statement: *“THE NOTICE REQUIREMENTS OF THE OPEN PUBLIC MEETINGS ACT HAVE BEEN SATISFIED BY FORWARDING NOTICE TO THE ASBURY PARK PRESS AND THE COASTER THAT THERE WOULD BE A VENUE CHANGE TO THE REGULARLY SCHEDULED MEETING HELD ON OCTOBER 19, 2020 AT 7:30. THE MEETING WAS MOVED FROM THE BOROUGH HALL, 100 GRASSMERE AVENUE LOCATION TO BE HELD VIA ZOOM CONFERENCE UNDER THE GOVERNOR’S EXECUTIVE ORDER 107. A COPY OF THE NOTICE IS POSTED ON THE OFFICIAL BOROUGH WEBSITE WITH FULL DIRECTIONS ON HOW THE PUBLIC CAN ATTEND AND MAKE COMMENT AT THE MEETING. ALSO, A COPY WAS PLACED ON THE DOOR AT BOROUGH HALL AND IS ON FILE IN THE BOROUGH CLERK’S OFFICE.”*

IT IS DEEMED THAT THIS HEARING IS BEING HELD THROUGH ELECTRONIC COMMUNICATION. SHOULD THERE BE ANY DISCONNECT OR FAILURE OF TECHNOLOGY, THE MEETING WILL BE CONSIDERED ADJOURNED. THE APPLICATION FOR 615 WINDERMERE AVENUE WHICH IS ON THIS OCTOBER 29, 2020 AGENDA WILL AUTOMATICALLY BE CARRIED TO THE NEXT REGULARLY SCHEDULED INTERLAKEN PLANNING BOARD MEETING, WHICH IS SCHEDULED FOR NOVEMBER 23, 2020 AT 7:30PM. ADDITIONAL NOTICE WILL NOT BE REQUIRED.

These announcements were followed by the Pledge of Allegiance.

ROLL CALL:

Present: Chairman Papp, Vice Chairwoman Umfrid, Councilman Butler, Ms. Dalton, Ms. Heinz, Mr. Wasilishen, Mr. Franks, Mr. Wentz and Ms. Kapp

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

Absent: Mr. Tilton, Mr. Weaver and Ms. Kane

UPON MOTION of Vice Chairwoman Umfrid seconded by Ms. Kapp carried, the Board approved the minutes of August 17, 2020 meeting.

ROLL CALL:

In Favor: Chairman Papp, Vice Chairwoman Umfrid Ms. Dalton, Mr. Wasilishen, Mr. Wentz and Ms. Kapp
Opposed: None
Ineligible: Mr. Franks
Abstain: Councilman Butler
Absent: Mr. Tilton

UPON MOTION of Mr. Wentz seconded by Vice Chairwoman Umfrid carried, the Board approved the minutes of September 21, 2020 meeting.

ROLL CALL:

In Favor: Vice Chairwoman Umfrid, Ms. Dalton, Mr. Wasilishen, Ms. Heinz, Mr. Wentz and Ms. Kapp
Opposed: None
Ineligible: Chairman Papp, Councilman Butler and Mr. Franks
Abstain: None
Absent: Mr. Tilton

MEMORIALIZATION

An application had been presented to the Board at the September 21, 2020 meeting for and extension to complete improvements

**BOROUGH OF INTERLAKEN PLANNING BOARD
RESOLUTION WITH VARIANCES
TO ARTHUR KELLY, 420 GRASMERE AVENUE**

WHEREAS, ARTHUR KELLY, hereinafter referred to as “Applicant”, is the owner of a certain property known as Block 7, Lots 9 & 10, on the current municipal tax map of the Borough of Interlaken (“Property”), which Property is located at 420 Grasmere Avenue in the Borough of Interlaken, County of Monmouth, and State of New Jersey; and

WHEREAS, said Property is located in the R-A Single Family Residential Zone of the

Borough of Interlaken; and

WHEREAS, a denial from the Zoning Official has been received by the Applicant dated April 22, 2020 indicating that the improvements require a variance for side yard setback;

WHEREAS, after proper notice, a public meeting on the within application was held on September 21, 2020 via Zoom to meet Covid-19 protocols; and

WHEREAS, the Board has considered the report of the Board Engineer, Peter R. Avakian P.E., P.P., dated August 3, 2020, and the documents and exhibits presented in support of the application, the testimony of Applicant as well as Applicant's architect and counsel and comments from neighbors;

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

1. The Applicant is the owner of Block 7, Lots 9 and 10 on the current municipal tax map of the Borough of Interlaken, County of Monmouth and State of New Jersey.
2. The property is located at the southeast corner of Grasmere Avenue and Scarba Street. The property is rectangular in shape and measures 100 feet in width by 151.8 feet in depth, with an area totaling 15,280 square feet.
3. The Applicant is requesting approval from the Planning Board for the construction of a covered front porch and rear deck.
4. A denial from the Zoning Official has been received by the Applicant indicating that the improvements require a variance for side yard setback.
5. The Property in question 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.
6. The minimum lot area permitted per the zoned district is 15,000 square feet. The

existing lot area is 15,280 square feet, as indicated on the survey, which conforms.

7. The minimum lot width permitted per the zoned district is 75 feet. The Applicant indicates the existing lot width is 100 feet, which conforms.

8. The minimum lot depth permitted per the zoned district is 150 feet. The Applicant indicates the existing lot depth of 151.8 feet, which conforms.

9. 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 Applicant has provided the average alignment for the front yard setback along Grasmere Avenue, which is 26.7 feet. The Applicant is proposing a front yard setback of 27.0 feet to the covered front porch, which conforms. The existing front yard setback is 26.0 feet along Scarba Street, which represents an existing non-conformity.

10. The minimum side yard setback permitted per the zoned district is 15 feet. The existing east side yard setback is 5.7 feet, which represents an existing non-conformity.

11. The Applicant is proposing an east side yard setback of 5.9 feet to the covered front porch. A variance is required.

12. The Applicant is proposing an east side yard setback of 5.6 feet to the rear deck. A variance is required.

13. The minimum rear yard setback permitted per the zoned district is 30 feet. The existing rear yard setback is 86.2 feet, which conforms. The Applicant is proposing a rear yard setback of 64.2 feet, which conforms.

14. The maximum building area coverage permitted per the zoned district is 25% of the lot area. The existing building coverage is 12.2%, which conforms. The Applicant is proposing a

building coverage of 14.6%, which conforms.

15. The maximum impervious surface area per the zoned district is 45%. The existing impervious coverage is 18.0%, which conforms. The Applicant is proposing an impervious coverage of 22.8%, which conforms.

16. During testimony at the hearing, Applicant agreed to submit updated drawings prior to any permits being issued.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Interlaken that the application for variance approval pursuant to N.J.S.A. 40:55D-70(c)(2)(flexible “c” standards) be and is hereby approved, in that as to this particular Property the benefits of the deviation will substantially outweigh any detriment of not granting said variance based on Applicant’s proofs and testimony by the Applicant’s architect which the Board accepts and adopts, that sufficient reasons exist for the same, as stated through an offer of proof by the Applicant and Applicant’s expert that the improvements are aesthetically pleasing, including because the new addition will blend with the existing dwelling and the addition also is compatible with other homes in the immediate neighborhood; and also based on that the relief can be granted without substantial detriment to the public good because there are no architectural or visual negatives caused by the proposed improvements and the finding that the proposed improvements will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance of the Borough of Interlaken, but subject to the following conditions:

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

B. Applicant shall submit for review and approval by the Board Engineer updated drawings prior to any permits being issued.

- C. No trees are to be removed for the improvements.
- D. Payment for any outstanding estate taxes.
- E. Granting of any required construction permits.

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 Applicant herein; and

BE IT FURTHER RESOLVED that this Resolution shall serve as one of memorialization of the action taken by this Board at its meeting on September 21, 2020.

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

ROLL CALL:

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

Opposed: None

Abstained: None

Ineligible: Chairman Papp, Councilman Butler, Ms. Dalton, Mr. Franks and Ms. Kapp

Absent: Mr. Tilton, Mr. Weaver and Ms. Kane

The foregoing is a true copy of a Resolution adopted by the Planning Board of the Borough of Interlaken on the 19 day of October, 2020.

ROLL CALL:

In Favor: Vice Chairwoman Umfrid, Mr. Tilton, Ms. Dalton, Mr. Wasilishen, Ms. Heinz, Mr. Wentz

Opposed: Ms. Kapp

Abstained: None

Ineligible: Chairman Papp, Councilman Butler and Mr. Franks

Absent: Mr. Tilton, Mr. Weaver, Ms. Kane

Chairman Papp welcomed the applicant for 615 Windermere Avenue.

Mr. Keith Fall and Mr. John Cappola were sworn in by Board Attorney Brown.

Evidence was marked as follows:

B-1 Letter by Peter Avakian dated 10/02/2020

A-1 Full packet submitted by applicant

A-2 Letter from Chet Surmonte dated 10/15/2020

Mr. Fall testified that that the application is to replace a shed on the property. The shed that was on the property prior to purchase of home. The plan is to using the same concrete slab that was there.

Mr. Fall stated that he provided in the application a copy of a prior survey which included a fence permit showing the location of the original shed. The shed will be built back the same using the same concrete slab that was there. Prior to work being done on the shed it was in extreme disrepair. There were stray animals living in it. There was significant fire damage. Before photos were submitted to the condition of the shed and scale of shed and to demonstrate scale and condition it was in. Mr. Fall wants to rebuild the shed to make more beautiful and safer. It will be consistent with home and the huge renovation on home. It will be consistent with the neighborhood. Mr. Fall wants to avoid damage of the shed falling down on a property, person or a pet. Mr. Fall stated that the shed will be dual purpose. It is going to be for storage of chaise lounge chairs and pool equipment.. There are a lot of things that don't fit in two car garage with two cars. It will be rebuilt safer and more beautiful and be a benefit in the stie line of all neighbors and land value of neighbors. Mr. Fall noted that there is a neighbor at the meeting that the shed abuts to. There was a letter included with the application from this neighbor.

Mr. Vrettos acknowledged writing the letter included in the application.

Board Attorney Brown asked if permits were procured before the building began.

Mr. Fall stated that he had not done his due diligence to know that a permit was required.

Chairman Papp stated that the allowable maximum area of a shed is 120sqft. The applicant is proposing 271sqft.

Mr. Fall stated that the shed was the same size as the one that was there.

Board Attorney Brown stated that a variance was required to the preexisting condition of the size of the shed, unless the shed predated code and asked Mr. Fall if he had evidence that it did.

Mr. Fall stated that he did not conduct an overwhelming due diligence.

Mr. Papp pointed out the requested setback is 2.7ft where 5ft is allowed.

Mr. Fall noted that the neighbor on the side of the rested variance for side setback is in attendance with no objection. The shed is being put where the previous one existed.

Mr. Capolla stated that the shed is being built on the same cement pad.

Ms. Kapp asked about the dual purpose of the garage.

Mr. Fall stated that the garage would request that the front end of the shed be used as a small indoor seating area.

Ms. Umfrid asked if there would be utilities and electricity.

Mr. Fall stated no utilities, except for electricity for lights and outlets.

The Board had a brief discussion regarding the dual purpose of the garage and the application notice.

Board Attorney Brown echoed the concerns of the Board. A neighbor who had no issue with a storage shed may take issue with a pool house. The Board has to make a decision of whether it would grant what appears to be an after-advertisement request.

Mr. Fall stated that he is being forthcoming with the Board and not call it strictly a shed. Part of the shed would be used for a purpose, much like you might hammer nails in a tool shed. There was a lengthy public notice done. Mr. Fall has zero interest in having someone sleep in the yard. The project is currently on hold.

Chairman Papp noted that the project is on hold because the correct permits were not procured prior to the start of the work.

Chairman Papp opened the floor for public comment.

Mr. John Vrettos, 616 Grassmere Avenue, was sworn in by Board Attorney Brown.

Mr. Vrettos stated that he was the immediate neighbor where he resides with his wife and has been there since 2014. Mr. Vrettos stated that the shed had been in poor repair, parts were rotting and animals were in there. It was an eyesore. The idea of the improvement was welcomed. Mr. Vrettos believes that they are the only neighbors who can actually see the proposed shed from their property in our back yard.

Vice Chairwoman Umfrid asked questions regarding location and size of the windows.

Mr. Capolla stated that the windows will be black and shed will be white to blend in with the look of the house. There will be center French doors with windows on either side. The roof will match the house asphalt shingles. Mr. Capolla stated that the windows will not face the neighbor.

Vice Chairwoman questioned whether there will be landscaping.

Mr. Fall stated that there is presently some landscaping there. Sea grasses will be added. It will be minimal. The current laurels and knock out roses will be maintained.

Board Attorney Brown suggested that the Board assert dimension regarding the percentage and also confirm that there will be no utilities for resolution clarity.

Vice Chairwoman Umfrid made motion that the shed be reconstructed on the existing cement slab to its original dimensions, with windows except for the north side facing neighbors. It will be used storage with limited use for possibly a table. There will be no utilities except electric. There will be no gas, running water, toilet or shower.

Mr. Fall did not want to be tied to a percentage for usage.

Board Attorney Brown noted that the resolution would say that the shed would not used for living space.

Ms. Kapp agreed that the percentage for usage should be defined.

Ms. Dalton suggested that the motion be revised to say 50% seating and 50% storage.

Mr. Fall asked for 2/3 seating and 1/3 storage.

Ms. Heinz asked whether the shed would be used for storage for the winter months or would the casual use be used year round.

Mr. Fall stated that there were large items to be stored during the winter.

Mr. Fall requested additional seating area. 66% seating.

The Board had a lengthy discussion regarding the use of the shed. The notice for the application stated that the shed would be used for storage.

The Board questioned whether the application could be considered. If the use of the shed is not mostly for storage, then the notice requirements regarding the use of the shed were not met.

Board Attorney Brown stated that the application stated that the shed is primarily for the storage of lawn, garden, pool, home and household equipment and will not be used for guest house or sleeping quarters. The applicant is not asking for guest house but the applicant is not asking for storage because it would be 100%. If the shed is primarily used for storage the applicant can readvertise for the non-storage use so that the Board is sure that the neighbors have no problem with the unadvertised use.

Mr. Fall what asking for is dual purpose as many sheds tend to be, such as woodworking projects.

Vice Chairwoman Umfrid stated that the board is not questioning what the applicants are asking for. There is a responsibility to the neighbors that they be notified correctly of the use of this shed.

Chairman Papp stated that the use is not the same as the application.

Board Attorney Brown stated that the dual purpose was not in the advertisement. It is stated in the advertisement that the shed would be primarily for storage. The Board has certain standards for notice to uphold.

Mr. Fall asked the Board for flexibility.

The Board had additional discussion regarding the shed dual use.

Ms. Kapp stated that she had no issue with anything proposed but the Board is tasked with is the legal obligation to be insure proper notice. The advertisement said the shed would be storage as primary use, now it has changed to storage as minority use.

There was additional discussion regarding the percentage of each use for the shed between the Board and Mr. Fall.

Ms. Dalton amended Vice Chairwoman Umfrid's motion to include that the shed be used for 50% storage and 50% useful space. Electricity lights and no running water and no bathroom facilities.

Mr. Wasilishen seconded the motion.

ROLL CALL:

In Favor: Chairman Papp, Councilman Butler, Vice Chairwoman Umfrid, Ms. Dalton, Ms. Heinz, Mr. Franks, Mr. Wentz and Ms. Kapp

Opposed: None

Ineligible: None

Abstain: None

Absent: Mr. Tilton, Mr. Weaver and Ms. Kane

The applicants thanked the Board and left the table.

Chairman Papp stated that the Board will take up the matter of Master Plan review at the next meeting. There are two zones in Interlaken and there is consideration of adding a third zone. The zone will be designed to create an area that could possibly be used for religious facility or house of worship.

Board Attorney Brown the request to normally started with the Municipal Council then it goes over to the Planning Board and they affirm it only for the purpose determining if it is consistent with the Master Plan.

There was a brief discussion regarding Master Plan Review.

Chairman Papp advised the Board that details will be provided at the next meeting.

Mr. Wentz stated that the Land Use Continuity Review continues. The effort is to Jennifer and tighten up the zoning code by further defining the definitions which are vague. The tables will be reviewed. Parameters will be looked at including setback, uses and building area. Floor Area Ratio will be introduced. Gray areas will be eliminated to protect the fabric of the community protect the property values.

Ms. Kapp stated that the review is going line by line. One of the more major thing that are being looked at are lots over a certain size they have a modified floor area ration to keep with the fabric of town nothing becomes an overbuilt mega mansion.

Ms. Kapp and Mr. Wentz stated that the Board was given the go ahead by Council to go forward.

The Board had brief discussion about how the review will proceed. Ms. Kapp and Mr. Wentz will continue to work on the review and the Board will begin to discuss the proposed changes in detail at the next meeting.

Vice Chairwoman Umfrid thanked Mr. Wentz and Ms. Kapp for their work on the presentation.

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

ROLL CALL:

In Favor: Chairman Papp, Councilman Butler, Vice Chairwoman Umfrid, Ms. Dalton, Ms. Heinz, Mr. Fanks, Mr. Wentz and Ms. Kapp

Opposed: None

Ineligible: None

Abstain: None

Absent: Mr. Tilton, Mr. Weaver and Ms. Kane

Approved: _____
Mr. Papp, Chairman

Attest: _____
Gina Kneser, Secretary