

**BOROUGH OF INTERLAKEN
MINUTES- PLANNING BOARD
OCTOBER 21, 2024 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 21, 2024, at 7:30 p.m. in the Borough Hall.

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

ROLL CALL:

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

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

Absent: Mr. Wasilishen, Me. Weaver, Ms. Kane and Ms. Kapp

UPON MOTION of Vice Chairwoman Umfrid seconded by Ms. Heinz carried, the Board approved the minutes of the September 16, 2024, meeting.

ROLL CALL:

In Favor: Chairman Papp, Vice Chairwoman Umfrid, Ms. Dalton and Ms. Heinz

Opposed: None

Ineligible: Councilman Blasucci and Mr. Tilton

Abstain: None

Absent: Mr. Wasilishen, Mr. Weaver Ms. Kane and Ms. Kapp

MEMORIALIZATION

722 Bendermere Avenue
Block 12/Lot 26
Addition/Deck

Board Attorney Kennedy stated that the conditions of note for the application were that they slightly modified. The A-7 plans so had not technically been reviewed by Board Engineer Avakian so the Board will ensure the engineer review that the stormwater management be contained in accordance with prevailing regulations and that the stormwater management improvements be effectuated as deemed necessary by the Board Engineer and be inspected by the Board Engineer and it is added that the plan renovations are confirmed that the proposed roof

drains should be piped to a pop up inlet emitter inlet in the front and the last section of that pipe would be perforated pipe surrounded by stone. Also, there will be that the existing curbing and sidewalk along the front of the site should be replaced if deemed necessary by the Board Engineer. The applicant's team had three minor changes. It should be noted that the property was owned since 2018 and just a half bath is on the first floor not a full bath. In addition, the name of the speaker from the public should be listed as Alan not Adam.

RESOLUTION

**INTERLAKEN PLANNING BOARD
722 BENDERMERE AVENUE LLC
INTERLAKEN, NJ
BLOCK 12, LOT 26**

Introduction

WHEREAS, representatives of 722 Bendermere Avenue, LLC (or agents thereof) have made Application to the Interlaken Planning Board for the property designated as Block 12, Lot 26, commonly known as 722 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 16, 2024, Applicant's representatives 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;*
- *Architectural Plan, prepared by Michael Savarese Associates, dated July 11, 2024, consisting of 4 sheets, introduced into Evidence as A-2;*
- *Topographic Survey of the property, prepared by Lakeland Surveying, dated November 5, 2018, introduced into Evidence as A-3;*
- *4 photographs of the rear yard of the existing property, collectively , introduced into Evidence as A-4A, A-4B, A-4C, and A-4D;*
- *Zoning Officer Denial Letter, dated July 15, 2024, introduced into Evidence as A-5;*
- *Leon S. Avakian, Inc. Review Memorandum, dated August 27, 2024, introduced into Evidence as A-6;*
- *Slightly revised Architectural Plan, prepared by Michael Savarese Associates, dated September 16, 2024, introduced into Evidence as A-7;*

- *Affidavit of Service; and*
- *Affidavit of Publication.*

Witnesses

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

- The representative of the entity who owns the subject property;
- Dan Nolan, Architect;
- Kyle Magnusson, the Applicant's Builder; and

Testimony and Other Evidence Presented on Behalf of the Applicant's representatives

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

- The Applicant, or an agent thereof, is the Owner of the subject property.
- The Applicant, in some capacity, has owned the subject property since approximately 2018.
- There is an existing single-family home at the site.
- Upon information and belief, the existing single-family home at the site is at least 50 years old.
- The Applicant's representatives live at the site.
- Since acquiring an ownership interest in the subject property, the Applicant's representatives have effectuated a number of significant improvements to the site.
- Currently, the existing single-family home has 4 bedrooms and 1 ½ bathrooms.
- In order to increase living space at the site (in order to accommodate an elderly parent), the Applicant's representatives are proposing to effectuate a number of improvements.
- The proposed improvements include the following:
 - Construction of an addition;
 - Construction of a deck; and
 - Other interior renovations.
- Details pertaining to the proposal, as amended at the public hearing, include the following:

Addition

Location:	Rear of home (per plans)
Size:	16.5 ft. x 13 ft.
Number of stories:	1
Materials:	Shake siding (per testimony and plans)

Deck

Location:	Rear of existing home (per plans)
Size:	6 ft. x 12 ft. / 13 ft.
Covered?	No, the deck will not be covered
Enclosed?	No, the deck will not be enclosed
Materials:	Wood or composite material

Interior Renovations

Details:	Per testimony / plans
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- Upon completion of the construction process, the home will include the following:

FIRST FLOOR

Dining Room
Family Room
Kitchen
Sun Room
Bathroom
Utility Room
Porch
Deck

SECOND FLOOR

Bedroom #1
Bedroom #2
Bedroom #3
Bedroom #4
Bathroom

- The Applicant’s representatives anticipate that the improvements will be constructed in the near future.
- The Applicant’s representatives will be utilizing licensed contractors in connection with the construction / redevelopment process.

Variances

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

SIDE YARD SETBACK (WEST SIDE) (FOR THE PROPOSED REAR ADDITION): 15 feet required; whereas 4.67 ft. exists, and 4.58 feet proposed;

SIDE YARD SETBACK (WEST SIDE) (FOR THE PROPOSED DECK): 15 feet required; whereas 4.58 feet proposed;

Public Comments

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

- Ed O'Neil
- Alan Wegman

Findings of Fact

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

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

1. The Interlaken Planning Board has proper and lawful jurisdiction to hear the within matter.
2. The subject property is located at 722 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 139.66 ft. in depth.
4. The subject property contains 7,303.2 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's representatives are proposing to effectuate a number of improvements.

7. The proposed improvements include the following:

- Construction of an addition;
- Construction of a deck; and
- Other interior renovations.

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 (including an elderly parent who is expected to spend a significant amount of time at the site).
- The Board recognizes, accepts, and understands the aforesaid bases for the subject Development Application.
- The addition / improvements approved herein will result in the home having more living space and being more functional, without causing substantial detriment to the public good.
- The within proposal will result in a full bathroom on the downstairs level, appropriate to accommodate the needs of an elderly individual who is expected to have difficulty maneuvering the steps to access the full upstairs bathroom.
- 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 7,030.2 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, which is not being exacerbated herein.

- In conjunction with the above point, the Board notes that the narrowness of the subject Lot also 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 30.67 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).
- Currently, the site has a non-conforming lot depth. Specifically, a minimum 150-foot lot depth is required; whereas the existing lot depth is only 139.66 feet. The Board recognizes that the said condition is an existing condition, which is not being exacerbated as a result of the within approval.
- There were no known objections directly associated with the proposed improvements. However, 2 members of the public did attend the public hearing and expressed questions / concerns / comments about potentially adverse drainage impacts associated with the development application. Specifically, the members of the public were, understandably, concerned about the possibility of the proposed improvements creating runoff problems for the affected neighbors.
- The Board Members / Board Representatives expressed an understanding and appreciation for the said concerns, and furthermore indicated, like all development applications in the Borough of Interlaken, the Applicant's representatives will need to confirm that any proposed development will not create water runoff problems for the neighboring owners.
- As indicated, there were several questions / comments / concerns about the drainage situation at the site, and how the same might be affected / impacted by the within development (particularly in light of prior ponding issues associated with the subject property). In response, the Applicant's representatives and the Board representatives discussed / advised as to the following:
 - A. The prior / recent drainage issues at the site were associated with an improperly wired pump (which was installed by a former owner).
 - B. The Applicant's representatives arranged for the pump to be properly wired – and the ponding situation has since improved.
 - C. The existing deck at the site (which will be replaced with the proposed new addition) has footings and no foundation; whereas, the addition approved herein will have a new foundation which will furthermore help with the overall drainage / runoff situation at the site.
 - D. As an express condition of the within approval, the final grading / drainage details will be further reviewed and approved by the Board Engineer.
 - E. Out of an abundance of caution, as an express condition of the within approval, stormwater management improvements will be installed / maintained in accordance with manufacturing standards, and other best practice procedures.

- F. Out of an abundance of caution, and as an expressed condition of the within approval, the Board Engineer will also inspect the stormwater management improvements.
- G. Out of an abundance of caution, and as an express condition of the within approval, prior to the Certificate of Occupancy being issued, the Applicant’s professionals will need to submit a certification confirming that the improvements have been constructed / installed in accordance with the approved plans, in accordance with the testimony presented, and in accordance with the terms of the within Resolution.
- H. The proposal complies with the prevailing building coverage / lot coverage requirements – and such compliance will further minimize the likelihood of any adverse drainage issues.
- I. There is significant / sufficient landscaping at the site and, as an expressed condition of the within approval, the Applicant’s representatives are required to perpetually maintain / replace / replant landscaping at the site (given the fact that continued landscaping at the site will help benefit the overall drainage situation as well).
- J. As referenced, the new addition is being constructed over the existing deck area, thereby minimizing the amount of overall lot disturbance at the site.

Based upon the above, and based upon the other testimony and information presented during the public hearing process, the Board finds that the requested relief can be granted without causing substantial detriment to the public good.

- The Board Members understand, and appreciate, the drainage concerns expressed by the 2 members of the public who attended the public hearing.
- The Application as presented and modified requires approval for the following variance relief:

SIDE YARD SETBACK (WEST SIDE) (FOR THE PROPOSED REAR ADDITION): 15 feet required; whereas 4.67 ft. exists, and 4.58 feet proposed;

SIDE YARD SETBACK (WEST SIDE) (FOR THE PROPOSED DECK): 15 feet required; whereas 4.58 feet proposed;

- As referenced above, the following calculations are applicable to the within transaction:

SIDE YARD SETBACK FOR THE REAR ADDITION (WEST SIDE):

Required Side Yard Setback..... 15 ft.
 Existing Side Yard Setback4.67 ft.
 Proposed Side Yard Setback.....4.58 ft.

SIDE YARD SETBACK (WEST SIDE) FOR THE PROPOSED REAR DECK

Required Side Yard Setback..... 15 ft.

Existing Side Yard Setback4.58 ft.
Proposed Side Yard Setback.....4.58 ft.

- The Board Members recognize that the existing home at the site is slightly angled on the property. The Applicant’s representatives testified that the proposed addition / deck will merely just continue the existing line of development at the site, so that the proposed addition / deck will be located in a linear fashion (relative to the existing structure lines). As referenced, the west side setback for the rear addition will slightly be exacerbated (i.e. the existing side setback is 4.67 feet, which will be reduced to 4.58 feet). The Board recognizes that, per the testimony and evidence presented, the said reduction is merely a function of the slightly slanted nature of the existing structure. The Board Members further understand that the proposed addition, to the naked eye, will seem to be a straight / linear continuation of the existing structure (on the west side of the property).
- The 0.09 reduction in the west side setback (for the rear addition) ($4.67 - 4.58 = 0.09$) is negligible, and, under the circumstances, of no real practical / functional significance.
- The aforesaid insignificant reduction in the west side setback (for the proposed rear addition) will not compromise the overall aesthetic appeal of the proposal.
- Given the fact that there is an existing residential structure at the site, and the Applicant is proposing an addition / deck 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 essentially continue (and slightly improve) the pre-existing non-conforming West Side Yard Setbacks.
- Per the testimony and evidence presented, the Applicant has already effectuated a number of major improvements at the site (in conjunction with the Applicant’s prior acquisition of title).
- The Board Members appreciate the Applicant’s commitment to the home / property and, by extension, the commitment to the Borough of Interlaken.
- The Board is aware that per the testimony and evidence presented, the improvements, as proposed / modified, have been designed so as to not require any disturbance to the already effectuated improvements at the site.
- The Board Members note, positively, that no Lot Coverage Variance is required in connection with the within Application.
- The Board Members furthermore note, positively, that there is no building coverage Variance required in connection with the within Application.
- The Board notes that, per the testimony and evidence presented, there is a need for increased living space at the site.
- Approval of the within Application will increase the overall impervious coverage from a conforming 35.19% to a conforming 36%.

- The Board finds that the renovated structure approved herein will be in keeping with the general 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 other 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 otherwise associated with the Variance relief granted herein.
- The Board finds that the within proposal will enhance the existing structure.
- The Board finds that the improvements authorized herein will result in an aesthetic improvement.
- The 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.
- 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.
- 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.

- The undersized nature of the Applicant's parcel 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 and anticipated guests.
- 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 / sized 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.
- 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's representatives have agreed, to comply with the following conditions:

- a. The Applicant shall comply with all promises, commitments, and representations made at or during the Public Hearing process.
- b. The Applicant shall comply with the terms and conditions of the Leon S. Avakian, Inc. Review Memorandum, dated August 27, 2024 (A-6).
- c. The Applicant shall comply with any prevailing affordable housing rules / regulations / contributions as the Borough may require.
- d. It is noted that the slightly modified plans (A-7) have not yet been reviewed by the Board Engineer. Thus, the A-7 plans shall be submitted to the Board Engineer, and the Board Engineer shall specifically review / approve the same.
- e. Stormwater management shall be contained in accordance with prevailing Borough regulations, and in accordance with details reviewed / approved by the Board Engineer.
- f. The Applicant shall install any stormwater management improvements as deemed necessary by the Board Engineer, and the same shall be inspected by the Board Engineer if the Board Engineer deems the same necessary.
- g. The stormwater management improvements shall be installed / maintained in accordance with prevailing manufacturing standards, and other best practices.
- h. There shall be no adverse drainage impact (on surrounding properties) associated with the development approved herein.
- i. The Applicant's representatives shall cause the plans to be revised so as to portray and confirm the following:
 - Confirmation that the proposed roof drains shall be piped to a pop-up emitter in the front yard (the last section of the subject pipe shall be perforated pipe, surrounded by stone);
 - Confirmation that the existing curbing / sidewalk along the front of the site shall be replaced / repaired, if deemed necessary by the Board Engineer (in consultation with an analysis of other adjacent sidewalks / curbs, etc.); and
 - The inclusion of a key map.
- j. The Applicant's representatives (and / or successor owners) shall perpetually replace, replant, and maintain landscaping at the site.
- k. Prior to the issuance of a Certificate of Occupancy, the Applicant's professional representatives shall submit a certification confirming that the improvements have been constructed in accordance with the approved plans, in accordance with the testimony presented to the Planning Board, and in accordance with the terms and conditions of the within Resolution.
- l. The Board Engineer shall confirm the overall lot coverage calculations at the site.
- m. The Applicant shall comply with all Prevailing Height Regulations, as no Height Variance relief is granted herein.

- n. Grading and drainage details shall be reviewed and approved by the Board Engineer.
- o. The Applicant shall comply with all Prevailing Building and Construction Code Requirements.
- p. All aspects of the proposed improvements shall comply with Prevailing Building / Construction / Fire Code Requirements.
- q. If applicable, the renovation shall comply with Prevailing FEMA Regulations.
- r. 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
- s. 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.
- t. 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.
- u. 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.)
- v. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate / required fees and taxes.
- w. If required by the Board Engineer and / or the NJMLUL, the Applicant shall submit appropriate performance guarantees in favor of the Borough of Interlaken.
- x. Unless otherwise agreed by the Planning Board, the within approval shall be deemed abandoned, unless, within 12-months from adoption of the within Resolution, the Applicant obtains a Building Permit for the construction / development approved herein.

BE IT FURTHER RESOLVED, that all representations made under oath by the Applicant's representatives 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: Chairman Papp, Vice Chairwoman Umfrid, Ms. Dalton, 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. Dalton, and adopted by Roll

Call Vote:

IN FAVOR: Chairman Papp, Vice Chairman, Ms. Dalton, and Ms. Heinz

OPPOSED: None

ABSTAINED: None

INELIGIBLE: Councilman Blasucci and Mr. Tilton

ABSENT: Mr. Wasilishen, Mr. Weaver, Ms. Kane and Ms. Kapp

UPON MOTION of Councilman Blasucci, to include Board Kennedy's review of the conditions, made motion to approve the variance, seconded by Mr. Tilton, carried.

ROLL CALL:

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

Ms. Heinz recused herself and sat in the audience at this time.

APPLICATION

515 Woodmere Road
Block 29/Lots 15 & 16.01
Venezia
Garage/Driveway/Patio

Board Attorney Kennedy asked if anyone present had any question regarding the notice given for the application. There was no comment from the public or the Board.

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

Board Attorney Kennedy marked the following into evidence:

- A-1 Application
- A-2 Zoning Denial Letter dated sept 17, 2024
- A-3 Architectural plans prepared by Anthony Ercolino dated July/August 1, 2024
- A-4 Survey prepared by Charles Surmonte dated January 8, 2021
- A-5 A photograph of the front of the dwelling
- A-6 Leon S. Avakian Inc. review memorandum dated September 30, 2024

Board Attorney Kennedy noted for the record that Ms. Heinz recused, as a result of being within 200ft of the development site.

Jennifer Krimko, Ansell Grimm and Aaron, Attorney for the Applicant joined the table.

Ms. Krimko stated that the Venezias, both present, purchased the house in 2018. The property had an existing garage that took up most of the back yard. The Venezias are seeking to relocate the garage to a conforming location to open up the back yard a little bit and provide a patio. There is an existing non-conformity as it relates to coverage and the applicants are reducing coverage in order to not exacerbate

that the non-conformity that was in place before the purchase of the property. The applicants had a chance to review Board Engineer Avakian's review letter and agree that, if the Board were to approve the application, it could be conditioned on compliance with the review letter which will, in and of itself, give the benefit of this application. Currently the applicant is over in coverage without any drainage structures. The applicant did agree to mitigate the items in the review letter.

Anthony Ercolino, Architect, 1320 Allaire Avenue, Ocean NJ was sworn in by Board Attorney Kennedy.

Mr. Ercolino confirmed that he is a licensed architect in New Jersey.

Mr. Ercolino used A-3 plans to describe the project. Currently there is a garage that cannot really function as a garage, because the driveway must zigzag to be able to get the cars in and out. That is why the garage is being moved over to the side but staying within the setback requirements. The height is 14ft 6inches, well within the height limit of 15ft. The plan has a two-car garage with an area for potting plants. Existing lot coverage is 50.9% and being reduced to 50.6% coverage. Some pavers were removed, and the planting area was relocated. There is a recess planned for a refuge area.

Ms. Krimko stated that, essentially, the garage is being moved over. The driveway will be modified so both cars can actually park inside the garage and the existing paver patio will be modified in such a way as to reduce the coverage. What we are adding to the driveway is being taken away from the patio areas. The applicant will work with an engineer and will comply with Board Engineer Avakian's letter to his satisfaction. Those are the only changes being proposed. Nothing of the principal structure will be changed.

Chairman Papp questioned the configuration of the driveway.

Ms. Krimko directed Chairman Papp to the marked survey to show that a car must swing around to get into the front of the garage.

Ms. Dalton asked if there were any drainage issues at the back of the property.

Ms. Krimko stated that the applicant is not aware of any drainage issues.

Ms. Dalton questioned the drain indicated on the plans.

Ms. Krimko stated that it is a trench drain, and it is believed that the drain was put in at the time the garage was put in to make sure there would be no issue to the house.

Ms. Dalton asked if the asphalt would continue.

Ms. Krimko stated that the asphalt would continue and there is less coverage. Ms. Krimko stated that there is no drainage problem that the applicant knows of. Some neighbors are present, and they can speak to their own problems. As far as he applicant understands that is no question.

Mr. Tilton asked if there is any water or electricity proposed for the garage.

Ms. Krimko stated there would be electricity for the light.

Chairman Papp questioned Ms. Krimko over the general comments in Board Engineer Avakian's review.

Ms. Krimko stated that the applicant has agreed to address all of the comments. Page one is informational. Page two is informational and pulls out the one variance which the Board has. Under general comments the applicant agrees to a proposed grading plan with regard to item 'b' the applicant agrees to tie in the roof drains, with regard to "c", the wall that is there it is existing. The applicant did install it and is not intending to touch the wall. If the neighbor has an issue with the wall, the neighbor can let the applicant know. Ms. Krimko stated that the applicant stipulates that there is no drainage problem in the back of the property today with regard to ponding and the applicant could testify to that. The applicant is happy to add the general note. The applicant is happy to add the information regarding the front property line and the key map. Taxes are paid and obviously construction permits are required.

Ms. Dalton stated that there is a Shade Tree on the front of the house to the side. It is a heritage tree and asked that it be protected during construction because there will be a lot of trucks going through the driveway.

Chairman Papp asked if the Board had any questions.

Councilman Blasucci asked what the difference in the size of the new garage vs the old garage.

Mr. Ercolino stated that the new garage is 834sqft. The old one has an attached shed that looks like 5ftx5ft.

Councilman Blasucci questioned why the increased size was necessary. Why the need for the increase?

Mr. Ercolino stated that the existing garage is too small to put two garages in in.

Ms. Krimko stated that the variance would be necessary, if the garage was replicated at the same size. The lot coverage is currently higher than what is being proposed. Moving the garage requires a variance.

Mr. Tilton stated that the garage size is nearly within the requirement that was recently changed to 800sqft. The applicant is above the requirement by 534sqft.

Chairman Papp stated that the south elevation maximum height is 15 feet is there going to be storage?

Ms. Krimko stated there would be no storage.

Mr. Ercolino stated that the top windows are not dormers they are to let light into the garage.

Ms. Krimko stated there are dormers but there is no second floor.

Chairman Papp opened the floor to the public.

Jodi Heinz, 512 Bridlemere Avenue, was sworn in by Board Attorney Kennedy.

Board Attorney Kennedy stated that Ms. Heinz recused herself from the Board for this application because she lives within 200ft. Board Attorney Kennedy noted that the law states that it is the right thing to do. Recuse yourself and to remove yourself from the dais. The law also states that because Ms. Heinz

is awesome enough to volunteer on the Board, she doesn't forfeit her property rights. Before the Board even know if Ms. Heinz is going to be for or against the application or even just asking questions, for the record, The Board members must acknowledge that Ms. Heinz's concerns praise or objections cannot be taken any more serious or less serious from any other member of the public.

Board Attorney Kennedy asked if Ms. Krimko agreed.

Ms. Krimko stated that she trusts Ms. Heinz and does not think Ms. Heins is going to influence the Board. Ms. Krimko knows there is case law that indicates that when a board member steps down they do not lose their right but they are supposed to appear though counsel. Because there is potential that because Ms. Heinz is a board member, the Board might be more influenced by Ms. Heinz than by anyone else. However all of that being said, Ms. Krimko has confidence that, based on the Board attorney's recommendation that the Board can consider Ms. Heinz's testimony as a civilian and not as a fellow board member. Ms. Krimko stated that Board Attorney Kennedy asked the question, so she had to give the answer. Ms. Krimko was involved in litigation where one board member got up and said, "I am totally in favor of this." Another board member got up and said, "I hate this you can't do it". And because they got up and spoke the judge remanded the case.

Board Attorney Kennedy stated that the law does suggest that, when possible, you go through your spouse or your architect but sometimes that is not possible and then also even if Ms. Heinz's architect is speaking, the Board would still know it is Ms. Heinz's comments.

Ms. Krimko stated that she did not have an objection but Board Attorney Kennedy asked the a question and Ms. Krimko had to answer it.

Ms. Heinz stated that, as a neighbor, she is favor of the project. Ms. Heinz has been in the garage and on the whole area. The applicants need the new garage. Also as a neighbor, Ms. Heinz looks out to see the beautiful heritage tree and would like to see the tree protected. Ms. Heinz knows that people have to do things with their property, but it is a heritage tree.

Ms. Dalton confirmed to Board Attorney Kennedy that Ms. Heinz was referring to the same tree she wants protected.

Ms. Krimko noted that the tree is on the plan, shown to the right of the existing driveway. The request is understood, and the applicant will make sure the tree is protected.

Mr. Ercolino stated that the work does not begin until after the tree.

Ms. Krimko clarified that the Board is not concerned about the contractors barreling down the driveway.

Mr. Ercolino noted that in terms of roots being concerned the work is beyond the tree.

Tom Jannarone, 522 Bridlemere Avenue, was sworn in by Board Attorney Kennedy.

Mr. Jannarone stated that his property touches the applicant's property on the northwest side from behind. Mr. Jannarone stated that the applicants have a beautiful home on beautiful property and the garage is the last piece to bring the whole property together. If the applicant did nothing at all, we are gaining pervious ground here. Just by granting them the variance we are adding to the pervious area of

the town which is hard to come by. Mr. Jannarone stated that he has not seen any drainage issues. Not on the back of his property or theirs.

Ms. Krimko stated that she knows Peter Avakian and he is not going to let the applicant go forward without a grading plan, whether a variance was needed or not.

With no further comment, Chairman Papp closed the public portion of the meeting.

Chairman Papp asked if any other Board members had any additional questions.

There were no additional questions by the Board.

Board Attorney Kennedy reviewed the proposed conditions of the motion to include compliance with all the promises, commitments and representations the team made tonight. As Ms. Krimko indicated compliance with Leon S. Avakian's review memorandum. There is usually a certification required prior to the CO that the structure is built in accordance with the approved plan, testimony and in accordance with the resolution and obtaining any outside approvals necessary and construction permits within 12 months. Board Attorney Kennedy stated that the Board did not confirm, but just for the record, the garage is not going to be used as living space.

Ms. Krimko stated it would not.

Board Attorney Kennedy stated the submission of the grading plan to the satisfaction of the Board Engineer is required.

Ms. Krimko stated that it is not known if the applicant will be able to do everything in Board Engineer Avakian's review letter, but the applicant will satisfy that the applicant has accomplished the intent.

Board Attorney Kennedy listed a demolition permit, utility representations, protecting the heritage with maybe putting a fence around it if required and no storage space above the garage as additional conditions.

UPON MOTION of Councilman Blasucci to include the referenced conditions, seconded by Mr. Tilton, carried, the Board adjourned the meeting.

ROLL CALL:

In Favor: Chairman Papp, Vice Chairwoman Umfrid, Ms. Dalton, Ms. Kane, Ms. Kapp and Ms. Heinz

Opposed: None

Ineligible: None

Abstain: None

Absent: Councilman Blasucci Mr. Tilton, Mr. Wasilishen and Mr. Weaver

Ms. Krimko and the applicant thanked the Board and left the meeting.

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

ROLL CALL:

In Favor: Chairman Papp, Vice Chairwoman Umfrid, Ms. Dalton, Ms. Kane, Ms. Kapp and Ms. Heinz

Opposed: None

Ineligible: None

Abstain: None

Absent: Councilman Blasucci Mr. Tilton, Mr. Wasilishen and Mr. Weaver

Approved: _____
T. Papp, Chairman

Attest: _____
Gina Kneser, Secretary