

**BOROUGH OF INTERLAKEN
MINUTES- PLANNING BOARD
SEPTEMBER 16, 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 September 16, 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, Vice Chairwoman Umfrid, Ms. Dalton, Ms. Kane, Ms. Kapp and Ms. Heinz

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

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

UPON MOTION of Vice Chairwoman Umfrid seconded by Ms. Kapp carried, the Board approved the minutes of the August 19, 2024, meeting.

ROLL CALL:

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

Opposed: None

Ineligible: Ms. Dalton

Abstain: None

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

Application
722 Bendermere Avenue
Block 12/Lot 26
Addition/Deck

Board Attorney Kennedy asked if anyone in the audience had any questions or comments, or concerns regarding the sufficiency of the Notice received. There was no comment from the Board or the public.

Board Attorney Kennedy stated that he and Board Secretary Kneser had the opportunity to review the Notice. The Notice is in order and the Board has jurisdiction to preside over the application.

Board Attorney Kennedy marked the following items into evidence:

- A-1 Application Package
- A-2 Architectural Plans prepared by Micheal Savarese Associates dated July 11, 2024 (4 sheets)
- A-3 Topographic Survey prepared by Lakeland Surveying November 5, 2018
- A-4 Photographs (4) of rear yard area - collectively marked as A-4a A-4b,A-4c & A-4d
- A-5 Zoning Denial Letter dated July 15, 2024
- A-6 Board Engineer's review memorandum from Leon S. Avakian, Inc. dated August 27, 2024

The homeowner/applicant was sworn in by Board Attorney Kennedy.

Dan Nolan, MSA Architects, was sworn in by Board Attorney Kennedy. It was confirmed by Board Attorney Kennedy that Mr. Nolan is testifying as an architect licensed in New Jersey.

Board Attorney Kennedy verified with the homeowner that the property, a single-family home, was owned by them for six years.

The homeowner testified that the home is currently a four bedroom, one and a half bathroom, with a half bath on the first floor. The homeowner is looking to add a small sunroom and a shower to half bath on the first floor. The home was bought in February 2018. The homeowner has a child that comes home from veterinary school in the summer. The homeowner's 84-year-old mother visits from Riverdale, Bronx. The homeowner's mother comes every other week, or every week and her days of driving are going to be numbered. The homeowner's mother cannot get up the stairs to the upstairs bathroom that has a tub shower that the homeowner's mother cannot get over. There must be a shower on the first floor. The homeowner's mother was unfortunately diagnosed with skin cancer and just underwent treatment at Memorial Sloan Kettering. There are neighbors at the meeting that probably see the mother all the time. The homeowner's mother sits outside on the back deck. The homeowner's mother cannot really sit out there anymore. It is the homeowner's mother's desire to put in a sunroom. The area is south facing and there is beautiful sunlight in the back. Ultimately, if the homeowner's mother does have to come live with the homeowner full time, some other areas can be used, either the dining room or that room but the shower is imperative.

Chairman Papp questioned the date of the survey.

The homeowner stated that the date of the survey was 2018.

The homeowner added that the variance is for the side yard not for coverage. Major renovations were done when the home was purchased. A load bearing wall was taken down and is brand-new kitchen was installed. If the kitchen had not been done, the addition would have been centered in the back and a variance would not be necessary. The only way to access without disturbing the renovations is a sliding door.

Mr. Nolan testified using mounted copies of the plans that were previously submitted. This was confirmed by Board Attorney Kennedy. Mr. Nolan stated that the project is not over on building or impervious coverage and the calculation for those coverages include the small deck. Mr. Nolan stated that the drawing shows that the existing wood deck where the sunroom would be added, with a similar footprint. The addition would be aligned with the existing width of the house which is into the minimum setback. The exiting total on coverage is 2,474sqft, including the deck and the proposed is 2,531sqft which is only a small increase.

Mr. Nolan pointed out existing and proposed features on the plans including the proposed sunroom to be built over the area where the current deck is. The proposed shower would be put in the location of the exiting mudroom. The design made considerations for the existing equipment in the crawl space, making the proposed location the best place to put the sunroom. Minor changes will be done to the second floor which have no effect on the zoning.

Mr. Nolan also displayed and reviewed the existing, proposed rear view and the proposed side yard elevations of the sunroom.

Mr. Nolan stated that another plan to make the sunroom slightly larger up to the crawl space access was proposed. Mr. Nolan handed out copies of the proposed plan to the Board.

Board Attorney Kennedy marked the new proposed plan prepared by Mr. Nolan's office with a revision date of 09/16/2024 as A-7.

The homeowner stated that the original plan was formulated believing more area was needed for the access to the crawlspace. It was determined after discussion with the contractor that less space would be needed for crawlspace access and so the sunroom footprint was enlarged.

Chairman Papp confirmed with the homeowner that the area being added was not on the side requiring the side yard variance.

Board Attorney Kennedy confirmed with Mr. Nolan that the addition is at the rear of the home and the amended size would be 2,466sqft.

Board Attorney Kennedy confirmed with the homeowner that the addition would be one story.

Mr. Nolan stated that the additional area added which goes out into the rear yard, not into the side yard, would be only and additional 17sqft. The original addition would have been 16.5ft x 12ft. The wider addition would be about 13ft instead of 12ft.

Mr. Nolan confirmed for Board Attorney Kennedy that the proposed deck would be uncovered and be six feet by 12 or 13ft in width and be the same width as the addition.

Chairman Papp confirmed with the homeowner that the addition would match the exterior of the house.

Mr. Nolan stated that the deck would be composite.

The homeowner stated that the deck would only be a small deck for a lounge chair. Eventually, pavers may be put in the yard.

Ms. Kapp asked if the pavers would be part of this project.

The homeowner stated that the pavers would not be part of this project.

Board Attorney Kennedy verified from the review memorandum, prepared by the Board Engineer Avakian's office, that the variance required is on the west side. There is a 4.67 side setback, and the proposal will be 4.58. Mr. Nolan stated that the house is not square to the property. The addition line would be continued along the house line to have the same setback.

Chairman Papp questioned the roof drains being piped into a pop-up drywell in the front of the house.

The homeowner confirmed the drainage would be installed.

Chairwoman Umfrid questioned items in the photos and whether there was a hot tub.

The homeowner confirmed there was no hot tub and the item in the photo was a deck box.

Ms. Dalton complimented the homeowner on the improvements that they have already completed on the house.

The homeowner noted that the house had been part of the next-door property, and the property had been subdivided.

Chairman Papp referred to the Board Engineer's review letter, questioning a drainage issue in the rear yard where the stormwater runoff would pond.

The homeowner stated that the pump located in the way back of the property was not wired properly. When it rained, the pump switch would trip. Repairs have been made to the location of the switch and it has been much better.

Chairman Papp asked the homeowner if the sidewalk would be repaired, if necessary, as this was noted in the Engineer's review letter.

The homeowner stated that there have been other construction projects on the same block where the sidewalks have not been repaired, but, if necessary, repairs to the sidewalk will be done.

Ms. Kane questioned who would make the call about whether the sidewalks are in good condition.

Board Secretary Kneser stated that it would be done as part of the construction inspection process.

Board Attorney Kennedy stated that it would probably be done in consultation with the Borough Engineer.

Charman Papp opened the floor for public comment.

Mr. Ed O'Neill, 726 Bendermere Avenue, was sworn in by Board Attorney Kennedy.

Mr. O'Neill asked if the addition would be put on footings or would there be a foundation.

Mr. Nolan stated that there would be a crawl space.

Mr. O'Neill asked where the water would be pumped to. The water table is a concern to Mr. O'Neill. Mr. O'Neill has three pumps that go off for nine months once they start because of the water table.

The homeowner stated that a fountain was removed and there is a pump there that pumps that water to the street. The electrical has been fixed. It would short out because it was wired in the ground.

Mr. O'Neill stated he had concern about a foundation being put in and the coverage in the ground and feels it is going to go on the neighbor's property and go into the ground and the underground stream. Mr. O'Neill is concerned where the water displaced from the ground is going to go.

Mr. Kyle Magnusson, 317 Washington Avenue, Spring Lake, NJ, the applicant's builder of Shane Built Homes, was sworn in by Board Attorney Kennedy.

Mr. Magnusson stated that currently there is a deck. Any of the water comes down and goes through the deck and stays in the backyard. Right now, it is a worse position. If a foundation is built and the roof water is taken out to the front, that water is being taken out of the yard. There will be less water in the yard.

The homeowner stated that the building plans have not been done yet. It will show the plan for the drainage. The homeowner does not want water issues either.

Chairman Papp verified with the homeowner that the plans will ensure the water will be taken away.

The homeowner stated that they let their dog into the yard and water is the last thing they want in the yard. The homeowner states that the yard did flood prior to the repair of the pump being repaired.

Mr. O'Neill asked where the water is going to go and asked if there would be a catch basin.

Ms. Kane stated that the Engineer report noted under general comments that testimony should be provided regarding drainage in the rear yard. As part of the variance when the building plans come back, the Borough makes sure that the drainage is dealt with.

Chairman Papp stated that it will be with the memorialization.

Board Attorney Kennedy stated that with every approval, usually as has been seen, the Board has a couple of conditions: 1. Grading and drainage details must be reviewed by the Borough Engineer and 2. In accordance with regulations the applicant must contain stormwater on site. The applicant cannot address the issues by having water going onto the neighbors' property. On top of that the Board also has as a condition that roof drains should be piped to a pop-up emitter in the front yard because of lot size and the last section of pipe on the property should be perforated pipe surrounded by stone. If the application is approved that would be a condition and on top of all that usually as a condition, the Board says that those drains must be installed and maintained to the best practices. If the variance is approved the applicant cannot get the final CO and final permits until these things are checked off. Not just this applicant. Every applicant.

Mr. O'Neill asked whether the plans will be submitted.

Board Attorney Kennedy explained that the plans are reviewed for variance resolution compliance on the conditions of the resolution by the Engineer's office before the permits are issued.

Chairman Papp stated that the Engineer noted these items, and the conditions will be included in the resolution, should the variance be approved.

The applicant stated that the condition will be better. The flow from the roof will be brought out to the front.

Ms. Kapp questioned whether the roof drains would be brought out to the front.

Mr. Magnusson stated that water will be taken from the back through the drain and be perforated into the ground. The back does not perk into the ground.

Ms. Kapp questioned the type of foundation

Mr. Magnusson stated there would be a dust cap 36 inches.

Alan Wagman, 724 Bendermere Avenue, was sworn in by Board Attorney Kennedy.

In the last year, Mr. Wagman spent \$30,000 dollars to remedy drainage in his yard. A basketball court was removed. Mr. Wagman's property is still over impervious coverage due to a previous variance.

Mr. Nolan stated that the impervious coverage of the larger size addition would be reduced, from 39.1% to 36%.

Mr. Wagman questioned whether the calculation includes the separate structures in the yard.

Mr. Nolan confirmed that it does.

Mr. Wagman stated that he does not want his property affected by this project.

The applicant stated that they do not want that to happen either. In terms of variances there no requirement for impervious surface.

Chairman Papp asked if there was any additional comment from the public.

With no additional comment, Chairman Papp closed the floor for public comment.

Board Attorney Kennedy stated that, if the application is approved, there would be a couple of conditions. Compliance with all the promises, and commitments and representations being made during the hearing. Compliance with the Board Engineer's review memorandum. If the application changes the applicant will come back. There is a 12-month time from which the resolution gets adopted that a permit must be gotten. Grading and drainage details to be reviewed and approved by the Board Engineer. Applicant will perpetually maintain and replace the landscaping. Per the Board Engineer's review memorandum, the roof drainpipe will run to the pop-up emitter in the front yard and the last section of pipe be perforated and surrounded by stone which will be confirmed by the Board Engineer. The Board Engineer wants it noted on the plans that, if the sidewalk and curb along the frontage need replacing and if required will be replaced. The Board Engineer requested that a key map be added to the plans.

Board Attorney Kennedy also stated that additional conditions that include stormwater to be contained on site in a manner approved by the Board Engineer and the stormwater improvement be installed and maintained in accordance with manufacturing standards and best practices. The Board Engineer, as is typical, will review the drainage patterns and one other condition that the Board imposes because of the water sensitivity. As a condition the Board requires before final CO the applicant's team will give a post approval certification saying, "Hey I am the person in charge, and I am aware that the house has been designed and constructed with the approved plans." The Board Engineer can confirm the imperious coverage, but no variance relief needed.

Board Attorney Kennedy asked the applicant if they agree to all the conditions listed.

The applicant stated that they agree to all the conditions listed.

Chairman Papp stated that the conditions will be included in the memorialization of resolution and be used when project is completed.

Mr. O'Neill made note that the sidewalk at 728 Bendormere Avenue was not fixed when their project was being completed.

Chairman Papp we understand the Board must stay within the boundaries of this application.

The Applicant agreed with Mr. O'Neill that the neighbor was not required to fix that sidewalk and would hope not to have to fix theirs.

Planning Board Secretary Kneser noted that the neighboring project has not been deemed complete. The sidewalk repair is a condition of requirement for that project. The project has not been finalized.

UPON MOTION of Ms. Kane, to include Board Kennedy's review of the conditions, made motion to approve the variance, seconded by Ms. Dalton, carried.

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

Chairman Papp stated that there were no submissions to Board Secretary Kneser for discussion items for a Land Use Ordinance Workshop.

Vice Chairwoman Umfrid stated that the item she wanted Council to implement would have been Floor Area Ratio, but Council already communicated to the Board that they would not be considering use of Floor Area Ratio.

Chairman Papp noted to the Board that the sentiment of Council was that no further action would be taken regarding land use ordinances at this time.

Ms. Heinz stated that she would like to talk about permitting pools to be able to come out of the ground higher than is currently allowed.

The Board had a brief discussion regarding swimming pools.

The Board had a brief discussion regarding Borough drainage permit requirements.

UPON MOTION of Ms. Dalton, seconded by Ms. Kapp, 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