**BOROUGH OF INTERLAKEN**

**MINUTES- PLANNING BOARD**

**JULY 18, 2022 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 July 18, 2022, 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. The announcement was followed by the Pledge of Allegiance.

ROLL CALL:

Present: Chairman Papp, Vice Chairwoman Umfrid, Mr. Tilton, Ms. Dalton, Mr. Wasilishen, Mr. Weaver, Mr. Blasucci, and Ms. Kapp

Also Present: Planning Board Attorney Sanford Brown, Board Engineer/Planner Avakian and Planning Board Secretary Gina Kneser

Absent: Councilman Butler, Ms. Heinz, and Ms. Kane

UPON MOTION of Mr. Wasilishen, seconded by Vice Chairwoman Umfrid carried, the Board approved the minutes of the April 21, 2022, meeting.

ROLL CALL:

In Favor: Chairman Papp, Vice Chairwoman Umfrid, Mr. Tilton, Ms. Dalton, Mr. Wasilishen, Mr. Weaver and Ms. Kapp

Opposed: None

Ineligible: Mr. Blasucci

Abstain: None

Absent: Councilman Butler, Ms. Heinz and Ms. Kane

UPON MOTION of Mr. Wasilishen, seconded by Vice Chairwoman Umfrid carried, the Board approved the minutes of the June 27, 2022, meeting.

ROLL CALL:

In Favor: Chairman Papp, Vice Chairwoman Umfrid, Mr. Tilton, Ms. Dalton, Mr. Wasilishen, Mr. Weaver Mr. Blasucci, and Ms. Kapp

Opposed: None

Ineligible: None

Abstain: None

Absent: Councilman Butler, Ms. Heinz, and Ms. Kane

Application

315 Grassmere Avenue

Inground Pool

Board Attorney Brown called on Board Engineer/Planner Avakian to give a summary report based on the analysis of the application.

Board Attorney Brown marked Board Engineer/Planner Avakian’s report dated June 8, 2022, as B-1 and the supplement calculations memo prepared by Board Engineer/Planner Avakian dated August 24, 2022 as B-2.

Mr. Michael York, Attorney for the applicant and Mr. Robert Burdick, Engineer for the applicant were acknowledged to be at the table.

Mr. Burdick and Board Engineer/Planner Avakian were sworn in by Board Attorney Brown.

Mr. York agreed with Board Attorney Brown that the Board may get right to the heart of the issue for the application and stated that the plot plan and survey submitted with the application will be used during testimony.

Board Engineer Avakian noted for the record that there were a few other documents submitted with the application, one of which is a soil boring prepared by Mr. Burdick which was received on April 29, 2021.

Chairman Papp noted that the soil boring was done over a year ago.

Board Engineer/Planner Avakian stated that typically the applicant presents the case, but Board Engineer/Planner Avakian has been asked to start.

Board Engineer/Planner Avakian referred to his report of June 8, 2022 (B-1), stating that a key element of the property is that it is a non-conforming lot. The location is 315 Grassmere Avenue. On both the plot plan prepared by Mr. Burdick and the plot plan submitted with the application, the key issue with the lot is that it has a 50ft frontage and as all board members know there is a 75ft requirement in the R-B zone. Also, the lot area that is required is 12,000 sqft. The lot is deficient. The lot has 8,290sqft. The lot is classified as a non-conforming lot, as it is deficient in lot area and frontage. One issue raised in the original engineering report was a variance noted for impervious coverage. The applicant had already clarified that point. Documentation had already been submitted, but not distributed, indicating that the applicant would be removing concrete walks, a portion of the driveway and a hot tub to reduce the total impervious coverage to 44.9% where the Borough allows a maximum of 45%.

Board Attorney Brown noted Board Engineer/Planner’s report, previously marked B-1, referring to page three of five under “I” is where a variance for impervious surface coverage is indicated. Based on document marked B-2, which is the review of the calculations, “I” is no longer relevant. An impervious coverage variance is no longer needed.

Board Engineer/Planner Avakian stated that the impervious variance is not required. The 52.3% coverage noted in the June 8 report is reduced to 44.09 %. Included in the building coverage calculation is the house, front porch, and side porch. The total building coverage was at 19.6% which is less than permitted.

Board Engineer/Planner Avakian continued. The swimming pool is the nature of the application. The pool is a smaller, inground pool located in the rear yard. The proposed size is to be 12ft width x 21ft in length with concrete decking. Board Engineer/Planner Avakian believes the depth of the pool structure to be 4.6ft at the deep end of the pool.

Board Attorney Brown confirmed with Mr. York that the pool depth is referenced in the pool diagram dated February 2, 2022.

There was some discussion between Chairman Papp, Board Engineer/Planner Avakian, Board Attorney Brown, Board member Kapp and Applicant Attorney York to come to some clarification regarding the applicant submitted documents in reference to the size and depth of the swimming pool.

It was determined that the pool plan being submitted for consideration by the applicant has a pool size of 12ft x 21ft prepared by R.C. Burdick, dated July 21, 2022. The plan was marked as A-1.

Board Engineer/Planner Avakian continued review of the A-1 plan, for the 12ft x 21ft pool, stating that the pool dimensions are moderate for an inground swimming pool. The pool is in the rear yard and has no more than 800sqft of surface area. The swimming pool ordinance states that the bottom elevation of the pool structure shall not be less than 2ft above the seasonal groundwater elevation.

Board Attorney Brown noted that the seasonal groundwater elevation is the salient issue. The focus is on page 3 of 5, item J3 of Board Engineer/Planner Avakian’s report dated August 24, 2022.

Board Engineer/Planner Avakian stated that the proposed pool bottom elevation extends lower than the seasonal ground water elevation by 1.2ft. The variance would be 1.2 feet to get to a datum, with the two feet above that seasonal high included, would make it a 3.2ft variance.

Board Engineer/Planner stated that no portion of the swimming pool will be closer than 10ft to the building line to any structure on the property. The application complies.

Board Engineer/Planner stated that underwater lighting systems or exterior lights may be provided as long as they are located so the lighting is not directed to any adjacent properties.

Board Engineer/Planner Avakian continued that there are typical fencing, protective fencing and sound management regulations in the ordinance. None are proposed. There is some landscaping proposed along the existing residential property line. The Board must be made aware of any Heritage tree removal required by the application.

Mr. York stated that no trees will be removed.

Board Engineer/Planner Avakian provided background regarding the swimming pool ordinance that was adopted by the Borough. Interlaken is like other municipalities but has its own unique features which includes a Planning Board that is immensely involved in ordinance interpretation and wording. When the Board sees repetition of issues in applications before them, they like to address them. The Board likes to be proactive and advise the Borough Council of issues that the Board would like to have a little more clarification on and would like to be able to control. One issue is swimming pools. The Board had seen an issue with swimming pools being constructed on residential properties, some of which were small, having a negative impact on their neighbors’ properties. It may have been an issue with topographical grade, meaning having surface water running toward the adjacent property. It may have been due to the improvement; the pool being elevated and the improvements impacting adjacent properties by putting a small landscape retaining wall or fence closer to the property line that would not be required if the pool was not there. There was a lengthy discussion, specifically, at the Council meeting about this. The impact of any kind of improvement, whether it is a house construction, whether it’s a stormwater management facility or a swimming pool - something constructed into the ground where you were displacing groundwater - the Board was emphatic, and the Council was emphatic to include in the ordinance wording such that the bottom elevation of the pool structure will not be less than two feet above the seasonal high groundwater elevation. It is simple wording, but something that is difficult to comply with.

Board Engineer/Planner Avakian stated that, Mr. Burdick, did provide a very through soil boring. The soil boring shows the depth of seasonal high water at an elevation of 4ft 10iches at the location of the soil boring on the property. That related to a pool elevation or a relative elevation at the bottom of the pool to be 1.2ft into that elevation. That is the rationale behind the requirement of the granting of the variance for this issue. One small pool won’t displace a lot of water, but swimming pools in general do displace a lot of water. There are areas in town that the Borough has recognized as being sensitive in terms of proximity to existing groundwater issues and the Borough felt very strongly that they should adopt this ordinance and enforce it. Really what is being asked of the applicant tonight, is for the applicant to indicate how they can ensure compliance.

Board Attorney Brown confirmed with Mr. York that the applicant is requesting a C-2 variance and noted to the members of the public that type of variance is called a bulk variance. There two ways that an applicant can seek relief and the standards are that the applicant must prove to the Board the positive and negative criteria.

Chairman Papp opened the floor to the Board for questions to the Borough Engineer/Planner Avakian.

Mr. Blasucci and Ms. Kapp asked for clarification regarding the plans supplied to the Board and the pool sizes.

Mr. Burdick presented his credentials to the Board. Mr. Burdick appeared before most Boards in Ocean and Monmouth County and has been a professional engineer since 1978 and a planner since 1989. Mr. Burdick received a bachelor’s degree in Civil Engineering at Clemson. Mr. Burdick is presently licensed.

The Board accepted Mr. Burdick’s credentials as both engineer and planner.

Mr. Burdick stated that the pool depth is .8ft above the seasonal groundwater as shown on the plot plan cross section.

Mr. Ruddick stated that since the pool depth is stated at 6ft zero inches, going to the four-foot pool, the bottom of the pool will raise the elevation from 90.5 to 92.5 - .8ft above the seasonal groundwater.

Mr. Burdick explained that the water depth will be 4ft because there is 6inches of freeboard.

Board Attorney Brown asked Mr. Burdick to explain what freeboard is.

Mr. Burdick stated that freeboard is the area between the top of the coping to the general water level. The top of the coping is basically the elevation of the top of the pool.

At the request of Board Engineer/Planner Avakian, Mr. Burdick explained the calculation of the depth and where the soil boring was taken. The soil boring was taken from pool footprint right in the area of the pool.

Mr. Burdick indicated that the elevation is approximately 96.5 referring to the document where the boring was performed on April 20, 2021.

Chairman Papp asked for clarification regarding the pool depth. Is the depth 4ft or 6ft, as several pool plans were submitted.

Mr. Burdick stated that the depth is 4.5ft, meaning 4ft of water plus 6inches of freeboard.

Board Attorney Brown stated that documents should be marked as there are a lot of problems with the documentation. The pool plot plan, updated January 25, 2022, was marked A-2 and is the plan Mr. Burdick will be referring to during his testimony.

There was discussion concerning the Board’s confusion regarding the revisions of the submitted documents.

Board Engineer/Planner Avakian stated that based on the plot plan submitted, one of his engineers would have reviewed it, taken the soil boring elevation and utilized a pool depth of 6ft. That is what was submitted and that is what the Board members have.

Board Attorney Brown asked Mr. Burdick how the Board is supposed to reconcile the fact that they have a six-foot-deep document, and it is being changed.

Mr. Burdick stated that prior to his testimony the pool depth was discussed, and the Board has the details for the pool at the four-foot water depth, 4ft 6in for the entire depth. The cross section shows the six-foot water depth pool plus 6inches of freeboard. The applicant had previously stated that the applicant would live would by the four-foot depth one, so the pool is two feet less than what is indicated on the pool plot plan.

Board Attorney Brown stated that it seems like the calculation by the Board Engineer is different.

Board Engineer/Planner Avakian stated that he would like to see a certification of how the bottom elevation of the pool was calculated and how that relates to the elevation. Not the depth, the elevation of the seasonal groundwater.

Mr. Burdick stated that the existing grade at the area is shown in the soil section at 96.5. The applicant is going to go with the four-foot pool, which is four-foot water depth with the half a foot of freeboard so that from the top of the pool to the lowest point is 4 1/2ft.

Chairman Papp asked for clarification.

Mr. Weaver asked what the depth of the pool was to the bottom foundation.

Mr. Burdick stated that it is a lined pool, so it does not have a foundation. It is sand underneath it.

Board Attorney Brown marked the soil boring performed on April 20, 2021, as A-3.

Chairman Papp stated that the bottom pool line is the problem. The plan is not accurate. The plan is saying it is six feet, and Mr. Ruddick is saying four feet.

Mr. Burdick stated that the applicant is saying that they will go with the four-foot pool depth.

Chairman Papp stated that the applicant must supply the plan showing the 4ft pool depth.

Mr. York stated that the applicant will have no problem providing a plan for the 4ft depth, but if the Board is saying that the present plans are a problem the applicant does not want to belabor an issue for no reason.

Board Attorney Brown stated that the document that the expert is referring to and was just discussed, amends the application by referring to the February 2, 2022 pool design. It was stipulated that the applicant is going to forget the January document. The Board is now dealing with the 12ft x 21ft pool.

Mr. York confirmed that that is accurate

Board Attorney Brown marked the January 25, 2022, Pool Plan document as A-4.

Chairman Papp expressed his concern with what the engineering calculations are versus what the applicant thinks the calculations are.

Mr. York stated that to make things easier, the applicant will submit revised documents and come back at a later date.

Board Engineer/Planner Avakian stated that we never like to be inaccurate in what we present to the Board. The applicant doesn’t either. What we have is, for whatever reason, started with the impervious coverage calculation. There was a revision, but the submission made with the application package was not the revised impervious coverage calculation. The engineer’s office submitted a memo indicating that the coverage calculations have been revised. Then there are the drawings, one of which is entitled 12x24 rectangle. The Board does not have that. The Board has the 12x21 rectangle. The 12x24 design has a 6ft 0in depth in the deep end of the pool. The Board does not have that. The Board has the 12 x 21 rectangle.

 The Board has a pool plot plan which is dated, revised through January 25, 2022. On the pool that is shown as a 12x21ft rectangle plot plan, there is a depth indicated of 6ft 0in with a six-inch freeboard, where the depth on the 12x21 ft plot plan is 4ft 6in. All this together is confusing. The Board wants to be very accurate in terms of what Mr. Burdick is testifying to, in terms of the elevation of the seasonal ground water table versus the bottom elevation of the pool versus the ground elevation that exists.

Board Attorney Brown stated that, it is unfortunate for the members of the public, but the Board Engineer has a concern. It will take a little back and forth with Mr. Burdick, so when the applicant comes back the application will be straightforward.

Chairman Papp agreed with the suggestion that the applicant return at a later time. Right now, the applicant is not giving accurate information, either for our engineer to review or for the Board members to be able to make a decision.

Mr. York questioned how soon the Board would like plans and when the Board would like the applicant to return.

Board Engineer/Planner Avakian stated that he would like the applicant to get a response to the Board no later than 10 days prior to the next meeting on August 15, 2022. Please submit the information to Board Secretary Kneser and it will be forwarded to the Engineer’s office.

Mr. York requested that the application notice requirements be waived for the next meeting.

Board Attorney Brown asked Mr. York that the applicant agree to consent the decision of time to make the decision be extended.

Mr. York consented.

UPON MOTION of Mr. Weaver, seconded by Mr. Wasilishen, carried, the application was carried to the next meeting without further notice.

ROLL CALL:

In Favor: Chairman Papp, Vice Chairwoman Umfrid, Mr. Tilton, Ms. Dalton, Mr. Wasilishen, Mr. Weaver, Mr. Blasucci, and Ms. Kapp

Opposed: None

Ineligible: None

Abstain: None

Absent: Councilman Butler, Ms. Heinz and Ms. Kane

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

ROLL CALL:

In Favor: Chairman Papp, Vice Chairwoman Umfrid, Mr. Tilton, Ms. Dalton, Mr. Wasilishen, Mr. Weaver, Mr. Blasucci, and Ms. Kapp

Opposed: None

Ineligible: None

Abstain: None

Absent: Councilman Butler, Ms. Heinz and Ms. Kane

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

 Mr. Papp, Chairman

Attest:

 Gina Kneser, Secretary