

**BOROUGH OF INTERLAKEN  
MINUTES- PLANNING BOARD  
JULY 15, 2019 7:30 P.M.  
BOROUGH HALL, 100 GRASSMERE AVENUE**

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A meeting of the PLANNING BOARD of the Borough of Interlaken, Monmouth County, New Jersey was held on July 15, 2019 at 7:30 p.m. in the Borough Hall.

Chairman Papp opened the meeting, announced that the meeting was being held in accordance to 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.

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**ROLL CALL:**

Present: Chairman Papp, Vice Chairwoman Umfrid, Councilman Butler, Mr. Tilton, Ms. Dalton, Mr. Wasilishen, Ms. Heinz, Mr. Weaver

Also Present: Planning Board Attorney Representative Falcone and Planning Board Secretary Gina Kneser

Absent: Mr. Menditto, Ms. Gatsch and Ms. Kane

UPON MOTION of Mr. Wasilishen, seconded by Vice Chairwoman Umfrid, carried, the Board approved the minutes of April 15, 2019 meeting.

**ROLL CALL:**

In Favor: Chairman Papp, Vice Chairwoman Umfrid, Councilman Butler, Mr. Tilton, Ms. Dalton, Mr. Wasilishen, Ms. Heinz, Mr. Weaver

Opposed: None

Ineligible: None

Abstain: None

UPON MOTION of Mr. Wasilishen, seconded by Vice Chairwoman Umfrid, carried, the Board approved the minutes of May 20, 2019 meeting.

**ROLL CALL:**

In Favor: Chairman Papp, Vice Chairwoman Umfrid, Councilman Butler, Mr. Tilton, Ms. Dalton, Mr. Wasilishen, Ms. Heinz, Mr. Weaver

Opposed: None

Ineligible: None

Abstain: None

**MEMORIALIZATION**

An application had been presented to the Board at the April 15, 2019 meeting.

**BOROUGH OF INTERLAKEN PLANNING BOARD  
RESOLUTION WITH VARIANCES TO MICHAEL MENICUCCI**

**WHEREAS**, MICHAEL MENICUCCI, hereinafter referred to as “Applicant”, is the owner of certain property known as Block 33, Lots 1, 2 and 3, on the official tax map of the Borough of Interlaken (“Property”), which Property is located at 316 Bridlemere Avenue in the Borough of Interlaken, County of Monmouth, and State of New Jersey; and

**WHEREAS**, said Applicant had previously applied in 2017 for relief from the Interlaken Planning Board (the “Board”) and a hearing was held (“2017 hearing”) and as a result the Applicant received variance approval for a two-car garage addition and for permission to convert an existing garage to a master bedroom, with a second addition proposed adjacent to the new master bedroom, and for the number of driveways per lot which was memorialized by a Resolution of this Board dated July 16, 2017 (“2017 Resolution”); and

**WHEREAS**, after the grant of the above relief, the Applicant was cited for violations of the conditions of approval in the 2017 Resolution; and

**WHEREAS**, the Applicant filed the present new Application (the “2018 Application”) for relief from the conditions set forth in the 2017 Resolution;

**WHEREAS**, after proper notice, public hearings on the within application was held on November 19, 2018, January 21, 2019, and May 21, 2019 at the Interlaken Borough Hall; and

**WHEREAS**, the Board has considered the reports of the Board Planner, Peter R. Avakian P.E., P.P., October 24, 2018 report (Exhibit B-6), the later report dated May 6, 2019, along with the other reports and documents referred to in said reports (Exhibit B-1);

**WHEREAS**, the Board considered at the first hearings the documents from the 2017 hearing leading to the relief granted in the 2017 Resolution, including: a property survey prepared by Charles Bell dated December 16, 2016 (Exhibit A-1); various photos of the general area and the property (Exhibits A-2, 1 through 3), architectural plans prepared by Tom Peterson dated April 20, 2017 (Exhibit A-3); a transcript of the 2017 hearing, which included testimony by the Applicant and Applicant's Architect and Planner;

**WHEREAS**, the Board considered at the November 19, 2018 and/or January 21, 2019 hearings, additional documents provided by the Applicant:

**WHEREAS**, the Board considered at the May 20, 2019 hearing additional documents provided by the Applicant, including but not limited to the as-built Site Plan Proposed Driveway Reduction revised April 1, 2019; and heard testimony from the Applicant's experts:

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

1. The Applicant is the owner of Block 33, Lots 1, 2 and 3 in the Borough of Interlaken, County of Monmouth and State of New Jersey.
2. The Applicant had requested in 2017, approval from the Borough Zoning Officer for construction of a two-car garage and converting the existing garage to a master bedroom. There was also a second addition being proposed adjacent to the new master bedroom.
3. The Zoning Official prior to the 2017 hearing had denied the application by the Applicant, indicating that the proposed two-car garage, and addition required variances for two

front yard setbacks as it was not in compliance with the Zoning Ordinance.

4. The Property in question is located in the R-A Single Family Residential Zone of the Borough of Interlaken. A single-family dwelling is a permitted principal use in this zone.

5. The Property is irregular in shape and has three frontages. The Property contains 21,049.7 square feet as indicated on the survey submitted by the Applicant.

6. The minimum lot area permitted per the zoned district is 12,000 square feet. The existing lot area is 21,049.7 square feet, which conforms.

7. The minimum lot width permitted per the zoned district is 75 feet. The existing lot width is 150 feet, which conforms.

8. The minimum lot depth permitted per the zoned district is 150 feet. The lot does not have a rear lot of line or lot depth.

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 existing front yard setback is 15.6 feet along Buttermere Avenue, 51.1 feet along Westra Street, and 36.9 feet along Bridlemere Avenue. The existing front yard setback along Westra Street conforms. The front yard setback along Bridlemere Avenue and Buttermere Avenue represents an existing non-conformity. At the 2017 hearing, the Applicant proposed a front yard setback to the two-car garage addition of 26.2 feet along Buttermere Avenue and 42.4 feet along Westra Street. A variance was granted for both front yard setbacks.

10. The minimum side yard setback permitted per the zoned district is 15 feet. The existing side yard setback is 4.4 feet, which represents an existing non-conformity.

11. The minimum rear yard setback permitted per the zoned district is 30 feet. This

lot does not have a rear yard setback.

12. The maximum building area coverage permitted per the zoned district is 25% of the lot area. At the 2017 hearing the Applicant presented a site plan indicating a building coverage of 21%, which conformed and which the Board relied upon in granting the relief in the 2017 Resolution.

13. The maximum impervious surface area permitted per the zoned district is 45%. At the 2017 hearing, the Applicant proposed an impervious coverage of 34.3%, which the Board relied upon in granting the relief in the 2017 Resolution.

14. The maximum building height permitted per the zoned district is 35 feet. Building height shall mean the vertical distance measured from the street level to the highest point of the roof. For the purposes of this calculation, the street level shall be a horizontal line from the crown of the road measured at the midpoint along the frontage of the property in question. During the 2017 hearing, the Applicant changed the overall height of the existing structure. As confirmed by the testimony of the Applicant's Architect at the 2017 hearing, the actual height was approximately 36 feet so therefore the height constituted an existing non-conformity. However, the Board found in the 2017 Resolution that such small nonconformity did not negatively impact the large existing house and the new addition was not impacted either.

15. As per the testimony of the Applicant's Architect at the 2017 hearing, the proposed addition, which is a single-story structure, did not exceed the permitted building height and in accordance with the definition as measured from roadway center line.

16. Under the Interlaken Zoning Ordinance, all driveways shall be a paved surface consisting of brick, stone, concrete or asphalt, providing vehicular access to a street. No

driveway shall be constructed closer than five (5) feet to any adjoining lot line. There shall be no more than one (1) driveway per lot, inclusive of circular driveways. At the 2017 hearing, the existing driveway to the west was shown to have two driveway entrances, one from Westra Street and the other from Buttermere Avenue. The property also had another driveway to the east. The existing driveways represented an existing non-conformity. At the 2017 hearing, the Applicant stated he was removing the exiting east driveway and the existing west driveway would be separated by the proposed two-car garage addition. Based on those representations, the Board granted a variance for two driveways.

17. At the 2017 hearing, the Applicant provided testimony that the improvements would not require removal of any existing mature trees with an explanation about removal of unsightly brush in the area of disturbance and with a statement by the Applicant that he planned to plant substantial era-themed landscaping at some time in the future.

18. At the 2017 hearing, the Applicant and his Architect provided details about the care that would be taken to construct the new addition with the same looking stucco appearance and color. They testified about the symmetry of the view of the home on the Buttermere Avenue frontage and the aesthetically appealing look which would result from the construction. The Applicant also testified about the substantial upgrades within the existing home to bring it up to code and up to present living standards.

19. At the 2017 hearing, the Board found that the variances requested by the Applicant could be and were granted. The 2017 Resolution noted that the variance relief was granted pursuant to N.J.S.A. 40:55D-70(c)(2)(flexible “c” standards) in that as to this particular Property, the benefits of the deviation would substantially outweigh any detriment of not granting said variances based on Applicant’s proofs that sufficient reasons exist for the same, as

stated through the testimony of the Applicant and the Applicant's Architect and Planner that the construction as proposed would be aesthetically pleasing including because there would be no garage door facing towards Bridlemere Avenue frontage; and also based on the testimony of the Applicant's Planner, that the relief could be granted without substantial detriment to the public good because there were no architectural or visual negatives caused by the construction including because there would be no garage door facing towards the Bridlemere Ave. frontage and the finding that the improvements would not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance of the Borough of Interlaken

20. The 2017 Resolution was granted subject to numerous conditions including but not limited to:

- a. The two-car garage, and the conversion of the existing garage to the master bedroom, approved would be constructed as per the site plan and the architectural plans submitted, and as represented by testimony at the 2017 hearing.
- b. The Applicant would replace the existing curb and sidewalk along the frontage if found to be in poor condition.
- c. The obtaining of all proper building permits for construction, and construction in accordance with the documents marked at the hearings, and in compliance with the testimony and stipulations of the Applicant at the hearing.
- d. Compliance with the requirements of all governmental agencies having jurisdiction over the development of the Property.
- e. Pursuant to Ordinance Section 25-3, Applicant would have one year from the date of that Resolution to start construction; otherwise the variance approval would expire, and once issued, the Applicant had to continue to complete the construction in a

commercially reasonable time frame.

21. The Board agrees with the findings of the October 24, 2018 and May 6, 2019 reports of the Board Planner, that the Applicant violated the following terms and conditions of the 2017 approval and the 2017 Resolution:

- (1) A variance was granted for the front yard setback to the new two-car garage to Westra Street of 42.4 feet. (Resolution Item #9). The Board had relied upon the plans submitted by the Applicant's architect/engineer ("approved plan/drawings") in approving in 2017 the relief requested. The as-built survey submitted by the Applicant prior to the 2018 hearing (the "new survey") indicates a front yard setback measurement of 42.0 feet.

The garage was constructed 0.4 feet closer to Westra Street than approved by the Board. A new variance is required for the deviation from the Board.

- (2) A variance was granted for the front yard setback to the new two-car garage to Buttermere Avenue of 26.2 feet. (Resolution Item #9) The new survey indicates a front yard setback measurement of 24.8 feet.

The garage was constructed 1.4 feet closer to Buttermere Avenue than approved by the Board. A new variance is required for the deviation from the Board approval.

- (3) The maximum impervious surface area permitted per the zoned district is 45%. The Applicant proposed an impervious coverage of 34.3% which conforms. (Resolution Item #13) The new survey measurements indicate an impervious coverage of 42.5%.

While not resulting in a variance condition, the increase in impervious coverage deviates from the approved plan drawings as justification for the granting of the two (2) front setback variances for the newly constructed garage structure.

- (4) The driveway accessing the property from Westra Street has been constructed in deviation from the approved plan drawing. The area of the driveway, calculated to be 3,292 sq. ft. is two times the area of the approved driveway, which was 1,650 sq. ft. It violates the approved plan in both size and location.

While not resulting in a variance condition, the increase in driveway area deviates from the approved plan drawing as justification for the granting of the two (2) front setback variances for the newly constructed garage structure.

- (5) The new survey indicates a garage area of 739.35 square feet (26.05 feet by 27.9 feet). The approved plan indicates a garage area of 700 square feet (25.0 feet

by 28.0 square feet).

The garage area constructed was 39.35 square feet larger than the approved plan. This will change the building coverage to 21.19%, whereas 25% is allowed. While not resulting in a variance condition, the increase in building coverage deviates from the approved plan drawings as justification for the granting of the two (2) front setback variances for the newly constructed garage structure.

- (6) The newly constructed garage was built with a garage door on the north building elevation, in deviation from the approved plan drawing. The approved plan shows a single-entry door along the north elevation.

While not resulting in as variance condition, the garage door construction deviates from the approved plan as justification for the granting of the two (2) front setback variances for the newly constructed garage structure.

- (7) As was indicated in the July 23, 2018 letter from the Board Planner, the Borough Street Opening Permit Ordinance (Ordinance No. 369) provides that during the 5-year moratorium period, no excavation permit shall be issued to open, cut or excavate the roadway, which was done by the homeowner. The curb cut on Buttermere Avenue violated this provision of the Ordinance. The Applicant must appear before the Borough Council to secure permission and determine remediation of the roadway.

- (8) The proposed driveway, while not in compliance with Board approval, also violated the Borough Ordinance (Land Development Section 26-27), which requires a driveway to have a paved surface consisting of brick, stone, concrete or asphalt. Loose stone or gravel placed on top of asphalt does did represent a paved surface and does not comply with the Ordinance regulations.

- (9) The driveway accessing the property from Westra Street is located on a County Road (Monmouth County Route No. 15). The driveway curb cut and entrance to the Property were expanded by the Applicant. In accordance with County regulations, a permit is required for any opening or excavation within a County right-of-way.

- (10) The new survey provided by the Applicant indicates three curb cuts for driveway access remain on the Property. The 2017 Resolution clearly indicates that the Applicant is removing the existing easterly driveway. That driveway still remains, and results in a variance condition deviating from existing Ordinance regulations.

22. Since the Applicant constructed the improvements above noted, the Applicant removed certain of those improvements, and submitted an April 1, 2019 as-built Revised Site Plan (“as-built Site Plan”) showing the property as constructed for the May 20, 2019 hearing.

23. The as-built Site Plan found the following:

- (1) The proposed driveway reduction identified the following as built coverage:

Westra driveway (reduced)	2,003 sf.
Buttermere driveway	636 sf.
Concrete sidewalk	514 sf.
Dwelling	3,555 sf.
2nd floor cantilever (Westra)	257 sf.
2nd floor cantilever (Bridlemere)	549 sf.
Total	7,517 sf.

This plan represents 35.7% building coverage whereas the Planning Board approved 34.3% coverage. The maximum coverage per the zoned district is 45%.

- (2) The Applicant has provided the following additional improvements on the as-built Site Plan and landscaping:

Court Yard	600 sf.
Side Yard	185 sf.
Rear Yard	196 sf.
Light Column Pad	18 sf.
Utility Pad	23 sf.
Total	1,055 sf.

These additional improvements, combined with the above as-built number, represent a total building coverage of 40.7%, whereas the Planning Board had approved 34.3% coverage. The maximum coverage per the zoned district is 45%.

- (3) A variance was granted for the front yard setback to the new two-car garage to Westra Street of 42.4 feet. (Resolution Item #9) The as-built Site Plan indicates a front yard setback measurement of 42.0 feet.

The garage was constructed 0.4 feet closer to Westra Street than approved by the Planning Board. A new variance is required for the deviation from the Planning Board approval.

- (4) A variance was granted for the front yard setback to the new two-car garage to Buttermere Avenue of 26.2 feet. (Resolution Item #9) The as-built Site Plan indicates a front yard setback measurement of 24.8 feet.

The garage was constructed 1.4 feet closer to Buttermere Avenue than approved by the Planning Board. A new variance is required for the deviation from the Planning Board approval.

- (5) The as-built Site Plan indicates a garage area of 726.80 square feet (26.05 feet by 27.9 feet). The approved plan indicates a garage area of 700 square feet (25.0 feet by 28.0 square feet).

The garage area constructed was 26.80 square feet larger than the approved plan. This will change the building coverage while not resulting in a variance condition.

- (6) The newly constructed garage was built with a garage door on the north building elevation, in deviation from the approved architectural plan drawing. The approved plans show a single entry door along the north elevation.

While not resulting in a variance condition, the garage door construction deviates from the plan drawings approved by the Planning Board as justification for the granting of the two (2) front setback variances for the newly constructed garage structure.

24. During the May 20, 2019 hearing, the Applicant's experts provided testimony as to lot coverage, traffic and meeting the requirements under N.J.S.A. 40:55D-70(c)(2).

25. The Planning Board voted approving the required variances, with the restriction, agreed on by the Applicant, that the driveway is restricted to the as-built April 1, 2019 Site Plan and cannot be enlarged in the future.

**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 variances based on Applicant's proofs that sufficient reasons exist for the same, as stated through the testimony of the Applicant's experts the enhanced safety of creating a driveway turnaround area, to promote a desirable visual environment through good civic design, and there would not be a detriment to the public good and will not substantially impair the intent and purpose of the zoning plan and ordinance, but subject to the following conditions:

- (A) The driveway is approved with the restriction, agreed on by the Applicant, that the driveway is restricted to the as-built April 1, 2019 Site Plan and cannot be enlarged in the future.
- (B) The stones on top of the asphalt driveway are to be adhered to the asphalt driveway as a asphalt chip and tar finish, as noted on the as-built April 1, 2019 Site Plan.
- (C) Variances are approved as per the as-built April 1, 2019 Site Plan.

**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 Applicants 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 May 20, 2019.

The foregoing Resolution was offered by Mr. Weaver and seconded by Mr. Tilton and adopted on Roll Call by the following vote:

ROLL CALL:

In Favor: Chairman Papp, Councilman Butler, Mr. Tilton,  
Ms. Dalton, Mr. Wasilishen, Ms. Heinz and Mr. Weaver  
Opposed: None  
Abstained: None  
Ineligible: Mr. Wentz  
Absent: Vice Chairwoman Umfrid, Mr. Menditto, Ms. Gatsch and Ms. Kane

Board Secretary Kneser reviewed correspondence from William Schmelling, Executive Director, Township of Ocean Sewage Department regarding the Board recommendations of the aesthetics of the pump station building.

UPON MOTION of Ms. Heinz, seconded by Chairman Papp, carried, the Board adjourned the meeting.

ROLL CALL:

In Favor: Chairman Papp, Councilman Butler, Mr. Tilton, Ms. Dalton, Mr. Wasilishen, Ms. Heinz, Mr. Weaver and Mr. Wentz  
Opposed: None  
Ineligible: None  
Abstain: None

Approved: \_\_\_\_\_  
Mr. Papp, Chairman

Attest: \_\_\_\_\_  
Gina Kneser, Secretary