

**BOROUGH OF INTERLAKEN
MINUTES- PLANNING BOARD
NOVEMBER 19, 2018 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 November 19, 2018 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.

ROLL CALL:

- Present: Chairman Papp, Vice Chairwoman Umfrid, Councilman Menditto, Ms. Dalton, Mr. Tilton, Mr. Wasilishen and Mr. Wentz
- Also Present: Planning Board Attorney Sanford Brown, Planning Board Engineer/Planner Peter Avakian and Planning Board Secretary Gina Kneser
- Late Arrival: Mr. Weaver 7:59
- Absent: Ms. Gatsch and Ms. Kane

UPON MOTION of Vice Chairwoman Umfrid, seconded by Ms. Heinz, carried, the Board approved the minutes of September 17, 2018 meeting.

ROLL CALL:

- In Favor: Chairman Papp, Vice Chairwoman Umfrid, Mr. Tilton, Ms. Dalton, Councilman Menditto, Mr. Wasilishen, Ms. Heinz
- Opposed: None
- Ineligible: None
- Abstain: None

UPON MOTION of Ms. Dalton, seconded by Mr. Wasilishen, carried, the Board approved the minutes of October 15, 2018 meeting.

- ROLL CALL: Chairman Papp, Vice Chairwoman Umfrid, Mr. Tilton, Ms. Dalton, Councilman Menditto, Mr. Wasilishen, Ms. Heinz and Mr. Wentz
- Opposed: None

Ineligible: None

Abstain: None

Chairman Papp announced the application for 316 Bridlemre Avenue, Block 33/Lots 1, 2 &3.

Mark Steinberg, Attorney for applicant, joined the table.

Board Attorney Brown noted that there were several alternate Board member at the table and Mr. Steinberg agreed that they remain at the table an participate in the questioning, as they may be needed at a future hearing.

Board Attorney Brown reviewed previous evidence that was part of the initial hearing on July 17, 2017.

B-1 Zoning Permit dated July 17, 2017 along with the Zoning Denial letter dated April 20, 2017.

B-2 Board Engineer/Planner Avakian's report dated May 31, 2017.

A-1 Survey prepared by Charles Bell dated December 16, 2016

A-2 Photographs marked 1, 2 &3

A-3 Architectural Plans prepared by Tom Petersen dated April 30, 2017. This is not the actual marked document from the hearing but could be verified by Mr. Petersen. The Plans contain 5 sheets.

Mr. Menicucci noted that a report from Planner, Alison Coffin was introduced.

Board Attorney Brown noted that Ms. Coffin gave testimony but did not submit a report.

The following items were marked into evidence and dated November 17, 2018:

B-1 Resolution dated July 17, 2017

B-2 Original transcript of proceedings of July 17, 2017

B-3 Zoning Permit application dated September 13, 2018

A-1 Series of cover letters written by Mr. Steinberg dated September 13, 2018

A-2 Survey dated July 12, 2013

B-4 Letter prepared by Board Engineer/Planner Avakian dated September 17, 2018.

A-3 Cover letter by Mr. Steinberg dated October 3, 2018

A-4 Topographic Survey by Mr. Rogers dated September 26, 2018

A-5 Survey prepared by Mr. Rogers revised as built dated September 18, 2018

B-5 Board Engineer/Planner Avakian's letter dated October 5, 2018

B-6 Board Engineer/Planner Avakian's report dated October 24, 2018

Board member Mr. Weaver arrived at this time at 7:59pm.

Board Attorney Brown noted that proper notice of the hearing was given and the Board has jurisdiction of the application.

Board Engineer/Planner Avakian stated that he does appear with the Board on occasion. Sometimes for applications some times for ordinances. Board Engineer/Planner Avakian's purpose is to review a development application of any kind that is governed by the Planning Board or Zoning Board or in our case a joint board and make determinations and findings as to facts that impact on adjacent properties, municipal infrastructure and more importantly for the Board, the zoning ordinances and regulation of the Borough, as well as the local County statutes and representations. Board Engineer/Planner Avakian reviewed his findings to the Board. The report is written: to try give a brief introduction on what the Board relies on, report any past history and to identify a property so the Board is aware of where it is. Board Engineer/Planner Avakian noted that he also reviewed all the correspondence and the topographic survey which was entered in as A-4 dated September 26, 2018 by Mr. Rogers and also Mr. Petersen's architectural plans, most recently revised on September 19, 2018. The property is known as lots, 2 & 3 Block 33. It is an irregular shaped lot bordering Bridlemere Avenue and Westra Street, which is a county road, and Buttermere Avenue. The property contains acreage of 21, 49.7sqft, as indicated on the survey. The applicant is requesting approval for deviations from prior approval. The prior approval focused on the addition of a two-car garage and converting an existing garage on the master bedroom. The two-car garage required variances for front setbacks for both Westra Street and Buttermere Avenue, Westra Street being a county road. The prior approval resolution was dated September 19, 2017. The meeting was July 2017. The existing conditions on the site and the as built survey prepared by Mr. Roger were reviewed along with the Planning Board resolution. Conditions were reviewed for deviations during construction. These conditions were identified on page two of Engineer/Planner Avakian's report. A variance was granted from the front yard setback to the new two car garage on Westra Street of 42.4 feet. That setback from the property line, not the curb line, not the sidewalk, but the property line along the frontage of Westra Street to the garage structure 42.4ft. The as built survey provided by Mr. Rogers indicated a setback of 42 feet, meaning the garage structure was constructed 0.4ft closer to Westra Street than approved by the Planning Board and, as such, a new variance will be required because of the deviation. Item #2 is similar but on Buttermere Avenue. The Planning Board granted a variance to the front yard setback on Buttermere Avenue for a two-car garage of 26.2ft and the as built survey indicates a setback of 24.8ft. It is a 1.4ft deviation. The garage structure was built almost 1.5ft closer to Buttermere Avenue than what was approved by the Planning Board and again a new variance is required to be acted upon by the Planning Board. The report goes on the further identify three items of

coverage. It is important to say the Borough's coverage of 45% is liberal. The application did not initially go over the 45% nor did the additional improvements. The Planning Board approved the plan with the impervious coverage totaling 34.3%. The as built survey measurements indicated an impervious coverage of 42.5%. That increase of 8.2% relates to 1,735sqft of impervious coverage greater than was on the approved plan. While not resulting in a variance condition, the increase in impervious coverage deviates from the plan drawings approved by the Planning Board as justification for granting of the two setback variances for the newly constructed garage structure. That is important because the Board placed a strong level of reliance on testimony, whether it is myself or Board Attorney Brow or testimony from residents or the applicant's experts. Mr. Petersen testified on architectural matters and Ms. Coffin on planning matters. A level of reliance is placed testimony and the Board uses them to render a decision and if something deviates the Board should know about it. Item #4: The driveway accessing the property from Westra Street has been constructed also deviating from the approved plan drawing. The area of the driveway is now calculated to be 3,292sqft, whereas 1,650sqft was indicated on the approved plan. Item #5: The as built indicated a garage area of 739.35sqft (26.05ft by 27.9ft.) The approved plan showed the garage area of 700sqft (25ft by 28ft). So a garage area was constructed almost 40sqft larger than the approved plan, changing the building coverage to 21.19sqft, still below a maximum allowable 25sqft. Item#6: The newly constructed garage was built with a garage door on the north building elevation that is in deviation of the approved architectural plan drawings. The approved plan showed a single entry door on the north elevation there was testimony provided. While this does not result in a variance condition the garage door construction deviates from the plans. The testimony was very pointed in that it called the Bridlemere Avenue frontage a negative impact for a garage door on that elevation of the architectural plans as opposed to the Buttermere Avenue side, which is the entry side for most of the garages along Buttermere Avenue itself. That is important because, again the Planning Board utilized that testimony to place a level of reliance on how the building was going to be built and deviation of that may impact how the situation is evaluated. Item #7: There is a moratorium on construction or excavation within the right of way of a roadway that receives improvements. Primarily for those roads it could be municipal or state funded improvement this one happened to be a transportation trust fund application. The Borough received money from the State of New Jersey and was utilized to improve the road. The State has conditions of approval in their application agreements that the Borough does not want to deviate from. The applicant did install the driveway access from Buttermere Avenue and the new curb cut, a depressed curb along the Buttermere Avenue access to the garage. That has to be resolved with the governing body. Item#8: The driveway, while not in compliance with the Planning Board approval, also violates the Borough Land Development Ordinance. Though, this section of the ordinance is not easy to read, it is not contradictory. It says you shall have a paved surface consisting of brick, stone, concrete or asphalt. When you pave, you have a hard durable surface, a hard riding surface. You do not have a loose surface. The purpose is so loose material does not leave the property go out into our roadway and have to be

maintained by our town. Loose stone or gravel placed on top of asphalt does not represent a paved surface and does not comply with the ordinance regulations. That is how this driveway was built. It is not commenting on the aesthetics, at all, that may be pleasing to some people. Item#9: The driveway access to the driveway along Westra Street is located on a County road. It is Monmouth County Route 15. The driveway curb cut and entrance to the property were expanded. Board Engineer/Planner Avakian does not believe the width of the curb cut was expanded, but does believe that the driveway itself is within the right of way of the County jurisdiction and was expanded and as such a County permit is required for any opening or excavation within any County right of way. Item#10: The as built survey provided indicated that there is three curb cuts are still there on the property. The resolution indicated that the one easterly most driveway was going to be removed. There is no doubt that the applicant will remove that, but it must still exist and warrants that it be identified for the record. There were two additional reports that were made on July 23, 2018 and September 17, 2018 identifying a few of these deviations during the course of the construction. It did not occur at one time. It occurred progressively throughout the course of construction and the applicant is here tonight to present rational reasoning and justification for things were changed.

Mr. Papp noted that this is somewhat of a disturbing report with all of the deviations that occurred. This Planning Board met on the original application and considered extensively exactly what the applicant was presenting and wanted. It was approved and this report tells us about several deviations that have occurred over time. We would like to hear the applicant's analysis and explanation.

Mr. Menicucci, applicant as well as Mr. Tom Petersen, Architect from the applicant was sworn in by Board Attorney Brown.

Mr. Menicucci stated that he came before the Board about a year and a half ago and asked for variances at preconstruction. Mr. Menicucci stated that he has worked in government and understands the process and the role government plays in dealing with citizens with these types of processes. Mr. Menicucci stated that from the very beginning there was conflict with where there had to be a meeting at Borough Hall with the Construction Clerk, Gina Kneser and the Municipal Clerk, Lori Reibrich because some of the inspectors were abusive to that process. Mr. Menicucci stated that he had concern about the statements that Board Engineer/Planner Avakian made that were patently false.

Board Attorney Brown questioned Mr. Steinberg regarding Mr. Menicucci's statement and questioned the relevance.

Mr. Steinberg stated that Mr. Menicucci has been frustrated with the process.

Chairman Papp allowed the applicant to continue with the statement, but noted that nothing can be verified beyond what the Board has reviewed.

Mr. Steinberg stated that Mr. Menicucci has received permits for all of the work and because of that was under the impression that he was proceeding in a proper manner. Some of the items that were done during the construction were not part of this Board's approval process, but they did not require approvals other than, in Mr. Menicucci's opinion, permits which were received from the appropriate officials. Then some place along the line, was told things were done wrong, and that is what brought us here originally. Before we found out from

the as built with the situation with the garage being slightly off from the originally approval, is that the driveway situation. It did not go over the impervious coverage.

Mr. Menicucci feels the conflict was that conflict in my opinion was unnecessary. At a later time, Mr. Scott Loftus came upon the property unannounced and said the garage was being built too high. That turned into another meeting, where it was determined to be fine. One month later Mr. Menicucci stated that Mr. Haege came to him to say the permits were being revoked.

Board Attorney Brown noted to Mr. Steinberg that the client was referring to people who are not in attendance and would normally never be. The people who he is referring to may be brought in to confirm statements.

Mr. Steinberg stated that Mr. Menicucci is very aggravated. He spent a lot of money and is winding up getting chastised every time he has something slightly different, though it does not require variance.

Board Engineer/Planner Avakian stated that the Board has a level of reliance, not only to its own ordinances but on statutory references. When you get a plan approved by the Planning Board, Mr. Steinberg well knows that is plan you build to. You do not deviate from that plan or you come back to the Planning Board. I

Board Engineer/Planner Avakian asked that Mr. Steinberg testify to those facts. There is nothing wrong or inappropriate with the reports. Board Engineer/Planner Avakian will go through them item by item and swear to them. There are deviations from the Planning Board approval. It must be proven that those deviations are acceptable to the Planning Board.

Mr. Steinberg addressed specific items that Mr. Avakian references within his report. There is absolutely no question that were variations that do not meet the approved variances that were granted by the Board in 2017. We agree with that.

Mr. Petersen stated that the situation is not nearly as contentions or as bad as it may seem. Planning Board approval was given over a year ago and the work was started. It is an older home so the project ran into a lot of things on the inside that had to be changed or modified. It was nothing that affected the approval from the Planning Board. The first thing that was not discovered until the recent as built was that the garage addition. There was some service things and a door that the contractor wanted to get out of the way. It was his understanding that the approval said that the garage was simply going to be behind the face of the front of the existing house, however in the plans it is shown as 1.6ft. The contractor kept it behind, but only by a half a foot. Now it is 1.5ft closer to Buttermere Avenue. There was a utility that

Mr. Petersen there is a utility there that he was trying to clear. That is what he was thinking it is a foul, because we are not where we are supposed to be. That is how that came about. As the applicants spent more time at the house they realized that the horse and buggy porch was not working. he driveway

An architectural plan was presented with the changes and it was approved by Tom Haege, Construction Official. He approved the change but on the plan the change for the garage door was not clouded and he did not realize there was a change to the garage door included. He approved the construction change but did not realize that included a garage door change. The construction proceeded. We had the permit, but it Mr. Haege's mind, he did not realize the door was changed. Once Mr. Haege determined that the door was changed, he contact the Zoning Officer who contacted the Borough Engineer and that is what put the matter before the Board.

Mr. Papp stated that the plan that was approved was not followed.

Board Engineer/Planner Avakian stated that the builder did what he did on the garage because it does make sense from a construction standpoint. Put it into the form of what the Planning Board members heard at the hearing. The Planning Board members heard at the hearing that a garage addition was located fronting on Bridlemere Avenue which is where the garage door is. From the testimony of the hearing it was said that it

would be a conforming although challenging location. It will have a much more impact on the visual character and have a negative impact to the character of the property that's located at a key gate point. The Planning Board members are here to absorb. What they are listening to is testimony. It is a beautiful visual entrance from Ocean Township over the bridge. It is a wide expansive intersection. Grant a variance for the garage, but there is going to be no door on the front because the front will look like the house and it will meld back into the property. That is what the Board members heard and that is what the Board members relied on to make their decision.

Mr. Steinberg agreed with Board Attorney Brown that the Construction Official does not have a legal right to make a change of the approval of a resolution. Mr. Steinberg stated that the applicant had a building permit. Which would lead one to believe that it was acceptable and it was a field change and would have been permitted to the Board's approval and that the plans approved by the Board did not show a garage door.

Mr. Petersen stated that plans were submitted to the Construction official there were many interior changes included. The garage was on there. The permit was granted, so the work continued. It was assumed that it was approved. Sometime later Tom came back and stated that that is not what he approved. Changes were also made to the driveway but the applicant thought, if the coverages were not exceeded that it would be fine. If the project were completed as approved and the applicant came back in five years for these changes no variance would be required.

Mr. Papp noted that there is a process. This is an approved application the Board does not accept the the liberties that were taken here.

Mr. Steinberg stated that there is no site plan. You do not get a site plan for a single family, however the entire picture was presented to the Board for approval and that picture has changed. The applicant is asking for amended approvals to somewhat meet the as-built.

Mr. Petersen stated that the project is still under the building and impervious surface coverage.

The setback variances are slightly less than proposed and the driveway to the east will be removed. The process could have been cleaner.

Mr. Steinberg stated that the driveway on Buttermere Avenue will be removed and the dumpster is presently there.

Mr. Weaver agreed that the driveway is being used to store construction equipment.

Mr. Tilton agreed that the driveway remaining there temporarily is better than on the dumpster being on the street.

Mr. Steinberg when everything is complete there will be landscaping.

Mr. Petersen stated that the driveway area will be sodded over and the curb cut will be removed. This all sounds bad. Nobody is trying to pull a fast one. The end result is this the home is gorgeous interior and exterior. The look of the house now versus what was there before is almost night and day and yet we were able to maintain the character and architecture of a magnificent old home. There are a couple of houses in town that have that old look architecture that you would not want to change for anything. Nobody was trying to pull a fast one. The project is not over other than a couple of set backs that are just a little bit closer than what they should have been but you would not have seen that if you were walking by or driving by in a car if you had laser vision.

Mr. Papp asked who made the decision to make the garage 40sqft over.

Mr. Petersen stated that the contractor was trying to miss some of the utility stuff in the opening there and he has been somewhat scolded about that. We are still under the coverages. It is not like it was gained an extra magnificent usable amount of space.

Mr. Menicucci stated that the excavation for the foundation was being put in for the garage. It goes up against an old chimney along the side of the house. It was not known before the excavation. That part of the kitchen was never a full foundation. It had to be supported and pinned. It was pulled up a bit, but still kept it behind the house, in order to keep the stability of the two story chimney that went down and was undermining underneath. They must have closed it in years ago with no foundation and it began to sink. We tried to butt up the new foundation up to the edge of the house as close as we can and fill it with concrete as much as we could to maintain the floor. It was a false floor from the 20s. We tried to maintain the stability of the side of the house and not lose the structure of the chimney. There was no intention to gain extra footage. Moreover when Mr. Petersen submitted the change of the door, we said we don't really need to park the car next to the house inside. We will put an entrance way into the house from the garage. That was part of the same approval application. That was all encapsulated. We were not intending to enlarge the garage beyond what was approved. It shifted, because of the field condition of the stability of the chimney and the undermining of the floor of the house.

Mr. Menicucci also explained the reason for the widening of the driveway off of Westra Street was because after living in the house it was discovered to be a dangerous back out condition on to Westra Street and a turnaround was desired. A scoop was added so you can come up and go back out. It is still under the 45% impervious coverage. Mr. Menicucci also believes that the asphalt driveway is sufficient. The gravel can be taken off, if necessary.

Mr. Steinberg stated that the applicant understands that the Board is concerned with the double sized driveway although the throat is the same, so he is not sure that County approval is needed since the curb cut was never touched. This Board does not make that decision. Mr. Steinberg submitted a landscape plan prepared by Mr. Menicucci.

Board Attorney Brown marked the landscape plan as A-6.

Mr. Menicucci stated that the driveway would be an asphalt base with a hot tar application and a rolled chip finish a Chatahoochie sealer was also considered for the driveway.

Mr. Avakian asked the applicant to put themselves into the Board's position and consider what was heard in the original testimony. The architectural plan was submitted. There was no big driveway coming in. the applicants did not know at the time, probably, the problems with the driveway driving in and out. The plans prepared by Mr. Petersen does have a site plan on it and it shows the driveway that is 1,650sqft in area. It is narrow and it comes in off Westra Street and it goes under the car port. As the applicant indicated and it was going to be separated so the garage would separate it from Buttermere Avenue a note under the driveway says it will be reduced to 1110sqft in phase two. That is the problem. It is what the Board heard and what they based their decision on.

Mr. Menicucci noted that the driveway was much larger in the past. Old timbers were found. There was no intention to fool the Board. The dangerous back out condition was found after the applicant moved in.

Board Attorney Brown noted that the Ms. Coffin testified on behalf of Mr. Menicucci that this is the show house for the Borough to paraphrase. Ms. Coffin also did say that if there was a garage door that was facing

northbound on Bridlemere it would be a negative. The existing driveway has been there for decades and the people who own this house ingressed and egressed from this very driveway.

Mr. Steinberg stated that the applicant has spent a lot of money to upgrade the entire property. It is a key gate coming into Interlaken and they are somewhat successful from what I have seen and living there has required certain tweaks, so they can use it as a home.

Board Attorney Brown noted that it was stated in the testimony that the main egress was Buttermere Avenue. There are two slots and at least one car would be inside. So the concept of having the existing driveway, which was stated to be reduced, as the main access which is now unsafe because of what was approved is something that is not verified. There is no testimony. There is no testimony tonight that it is unsafe.

Mr. Steinberg they did not live there and now they are having difficulty. Without the turnaround they have to back out.

Board Attorney Brown stated that the Planning Board relies on Engineers.

Mr. Steinberg stated that we also rely on testimony of homeowners and experience and he is giving you testimony that he is having difficult and dangerous backing out onto Westra Street. That is something I assume he can testify to.

Board Attorney Brown agreed that is fair.

Mr. Petersen stated that he is an engineer.

Mr. Papp asked for his qualifications.

Mr. Petersen stated that he was licensed as an architect first in 1982 and became a licensed engineer professional planner in 1985 in New Jersey, and has 32 plus years since that time become licensed and since become licensed in eight other states architect first love went to school for. The only engineering testimony I would provide is that it is a tortuous driveway to get in and out of. The only way in was to pull straight in and back out there was no turnaround.

Board Attorney Brown stated that there was no testimony at the time of the last hearing that allowing the existing driveway was going to cause a safety problem. The testimony now is that it that it is, in fact, a safety issue so he presented to the Board and asked whether or not the Board wants to change its opinion and disallow that variance and therefore only allow one driveway which is what the Borough Ordinance mandates.

Mr. Avakian stated that he will not dispute that it is it is not at a busy intersection at a corner at a roadway that connects municipalizes and vehicles use it from Ocean Township to get to Grassmere Avenue. The ordinance allows one driveway the applicant received a variance for more than one.

Mr. Menicucci stated that this property existed with four curb cuts and it is now down to three and will have two.

Mr. Tilton noted that it seem like the applicant is making it a new and state of the art way driving through and knows it is a much bigger driveway in front. Mr. Tilton's number one concern is the safety for family and for everyone else. It is a tricky intersection. It is not like they added a third bay. Only 40 square feet in total. Mr. Tilton understand how that could have come about.

Mr. Wentz asked if the property contains three lots would they be permitted three curb cuts.

Mr. Avakian stated that the property is considered one lot on the tax map.

Mr. Steinberg it is a large lot on three corners on three streets.

Board Attorney Brown noted that normally when there is ownership in common by the same individuals it is merged. Usually it is a matter of administration. The tax assessor can merge. If it is one house that goes over three lots it is considered three lots.

Mr. Steinberg it is an overly sized lot and has three front yards. It is different. It is not a one in and out. We are trying to get some relief.

Ms. Umfrid asked for an explanation of how the driveway is accessed.

Mr. Menicucci stated that he comes in off Westra Street and goes around the decorative pot and parks up against the house. He is waiting for final steps and walkway at the inside door underneath the old buggy way.

Ms. Umfrid do you ever drive through the garage?

Mr. Menicucci stated that he would if there is an emergency.

Mr. Wentz stated that in Board Engineer/Planner Avakian's report it talks about the impervious surface being 41%. There is also existing future lot coverages on the plan that bring it up to 45% and asked is that something the Board should address.

Mr. Steinberg stated that they not asking for approvals.

Mr. Menicucci stated that he will be replacing the old patios. They were there and removed during construction. They had a deck off the back, one off the front and one off the kitchen. They were wood and rotted.

Mr. Petersen stated that everyone drives by every day. Anyone who has seen the shape knows it is absolutely in keeping with the era and style. They are not modern garage doors. It is an old style of carriage door that was used and is in keeping with old style of architecture. When viewing the doors from Bridlemere Avenue and it is more than 80ft away. It is an important piece of property as you come into town. What is there not and it would be hard for anyone to say that what is there now is not as magnificent as was first built all those years ago. There is no sense that this is overbuilt.

Mr. Papp stated that the board does not disagree that it is a magnificent home, but he is trying to understand the decision of the garage door.

Mr. Menicucci stated that they realized they wanted access to the basement from the outside. And wanted to eliminate one bay. Then they said God forbid they needed to get out of the driveway and asked Mr. Petersen to add it to the plan.

Board Attorney Brown reviewed the testimony of Alison Coffin, Planner, referring to page 57 of the transcript of the July 17, 2017 meeting. Ms. Coffin states that, "another potential impact that we could add from the structure that extends into the required front set back in particular would be a detrimental impact on the visual character of the street scape and this home is located on a property that I would consider a significant gateway to the Borough. It is one of the first properties that people that are entering Interlaken from Ocean Township can see so, it visually significant. The proposed garage however is designed to have those garage doors face Buttermere Avenue where they will not be visible from the roadway as it enters the borough. If the garage addition were located fronting at Bridlemere at what could be a conforming, if challenging location, it would

have a much more impact on the visual character and have a negative impact to that character of a property that is located at a key gateway point. This changes the public face and the visual character of what is already a beautiful home and if by including garage doors on the side and its front faces the lake.

Mr. Menicucci stated that everything is a unique architectural features of the house. All of the archways follow throughout the buggy way and are followed throughout the garage doors and followed throughout the back of the house, as well there is no negative visual impact. There is zero visual impact.

Mr. Papp asked if Mr. Menicucci disagreed with his planner.

Mr. Menicucci that was a generic statement based on garage doors. These do not look like garage doors. They look like corral doors they look like real buggy doors.

Mr. Steinberg asked for a brief recess.

The Board recessed at 9:20p.m.

Mr. Steinberg and Mr. Menicucci left the table.

Mr. Steinberg and Mr. Menicucci returned to the table and the meeting reconvened at 9:24.

Mr. Steinberg stated that the applicant has reviewed the application and believes in the testimony that was submitted and truly believes what has been built is an asset to Interlaken. The applicant feels the architecture with the garage door is appropriate to the neighborhood. We can't change anything at this point. We widened the driveway. We have given the reasons. We believe we have the appropriate surface on the driveway. We will landscape it and make it beautiful and I respectfully submit that the Board approve what you see. We are beating a dead horse.

Ms. Umfrid asked if the garage door that faces Bridlemere was approval given by anyone to put that garage door in if so by who.

Ms. Avakian stated that he saw a plan that went to the Construction Official. The plan was for a garage stair and the buggy enclosure, but at that time I was advised by the zoning office that he was only reviewing it for the stairway and the plan that showed the garage door was not approved for him at that time for the garage door approval.

Mr. Petersen stated that the applicant submitted a drawing for all those changes including the garage door, some electrical changes and stairs on the inside. It was shown as a revision. The clouding didn't quite go around the garage doors. So what Mr. Haege said was that he really did not see that, did not catch that.

Ms. Umfrid asked if the specific changes were enumerated on the change request submitted.

Borough Engineer/Planner Avakian stated that the problem is that Mr. Petersen was the only person who was here at the planning board hearing who would have known that it was not approved.

Mr. Petersen stated that when you put a revision on a drawing you don't say specifics.

Board Attorney Brown aske who revised that plan. And stated that Mr. Peterson knew the garage door was not correct.

Mr. Petersen stated that he did and it is why the revision was submitted. We made the plans and submitted it as a revised permit. Tom Haege reviewed it. We submitted it as an amended permit. Mr. Haege looked at it and said it was an approved amendment and that change was submitted on the drawings. We thought it was right.

Chairman Papp opened the floor to the public.

Mr. Heinz stated that if she had seen this plan as it is now she would not have approved it. She would not have let a garage door be there. She is sorry but a lot of people in town and know I am on the planning board. There are so many people that are upset in town it is the subject everywhere I go people are upset how come they get a huge driveway on one side and the other side. The first thing you see when you come into town the first thing you see is the parking lot. I am sorry I am sure it is beautiful this I would not have approved this.

Mr. Papp opened the floor to the public for questions.

Ms. Marcia Hanke, 212 Buttermere Avenue, was not at previous hearing but it seems that this Westra Street driveway is a situation with the traffic. In the future there could be eight cars going out of that driveway.

Board Attorney Brown reminded Ms. Hanke the floor was open to questions.

Ms. Hanke asked if there was any problem using the driveway on the Buttermere Avenue side and closing off the Westra Street driveway.

Mr. Menicucci stated that he had no intention to close off the Westra Street driveway.

Ms. Hanke questioned the number of driveways on the property.

Mr. Menicucci stated that he always had two cars on the Buttermere Avenue side. There were two on old garage and one on the pass through that went from Westra Street to Buttermere Avenue. One was closed off. It went from four curb cuts to three curb cuts. There is no intention of cutting off the Westra Street driveway. It is the main access to the house.

Ms. Hanke noted that there is parking on the back of the house.

Mr. Menicucci stated that he uses the front entrance.

Ms. Hanke noted that the driveway is kind of big.

Ms. Umfrid stated that the house is beautiful and is an asset to our town. Ms. Umfrid asked if Mr. Menicucci would you consider making the Westra Street driveway similar to what it was when the home was purchased. Ms. Umfrid stated that in her heart she wants the situation to be a win-win for everybody, nothing that the driveway, the way it is now, is quite large. Ms. Umfrid noted that she was referring to survey dated 7/12/2018.

Mr. Menicucci stated that the larger driveway was not the original intent. It only became apparent after moving in that backing out was problematic. Mr. Menicucci asked that the Board take a straw poll.

Board Attorney Brown stated that the Board is not in the habit of taking straw polls.

Mr. Steinberg stated that the applicant is thinking of getting the planner back to the Board, because there is an as built situation. That may or may not change the planner's opinion. Before that is done the applicant would like to know what issues are predominate with the Board.

Board Attorney Brown suggested that the applicant has heard about the predominant issues. The applicant has certainly heard about the garage door and has heard comments about the width of the driveway. The applicant has not heard any comment regarding the less than one foot setbacks. Board Attorney Brown asked if the applicant would like a recess to consider the need to come back.

Mr. Steinberg stated that no break would be necessary. The applicant believes there is a need for the Planner, Ms. Coffin, to return to the Board. Now that the property is built and has been changed somewhat to see whether she thinks this is appropriate.

Board Attorney Brown stated that therefore the applicant requests an adjournment without additional notice. The Board normally waits to the end of all testimony to ask for comments from the public and also from the Council. Board Attorney Brown noted to Mr. Steinberg that if there is going to be a traffic report, that it be submitted at least 10 days before to give Borough officials time to review and discern whether there needs to be a study on that study.

Mr. Papp stated that he believes the Board needs more information, but asked the Board if they feel they have enough information to make a decision.

Board Attorney Brown noted that Mr. Steinberg wants to present additional information.

Mr. Steinberg stated that there will be additional testimony by experts.

Board Attorney Brown suggested that some comments made by one of the witnesses, while not germane necessarily, brings into play actions taken that were from the approval of the Board until tonight. The Board has to consider whether they want to ask some of those officials to come in. Motives have been put into question and what the officials said and what they did not say have been questioned. The Board may want to have them back.

Ms. Heinz asked if Mr. Menicucci has ever considered and taking this driveway and going out to Bridlemere Avenue.

Mr. Menicucci stated that that is the curb cut that came out to the house.

Mr. Steinberg noted that there would be a moratorium on the Bridlemere Avenue roadway.

Ms. Dalton stated that moving the driveway would cause trees to have to be removed and upset to the area where the driveway is on Westra Street and believes the driveway should stay where it is.

Ms. Dalton stated that the Board should consider what they want the applicant to do and asked Mr. Menicucci how much room he actually needs to turn around. Ms. Dalton noted that landscaping can mitigate when someone comes over the bridge. That driveway may not be the first thing you see, having your eye go to other areas. Ms. Dalton told Mr. Menicucci that he presented in good faith and the Board determined in good faith. The approved plan is what the Board wanted.

Mr. Papp stated that we want to give Mr. Steinberg a chance to come back to us with additional information.

Mr. Steinberg stated that he has an idea of the Boards concerns.

Board Attorney Brown noted that Mr. Steinberg, while talking about the 'as is' condition, stated that they are there already there and cannot be changed.

Mr. Steinberg stated that he did not say they cannot be changed, but said they are existing and when the Planner comes out and reviews the current conditions the opinion may be different.

Board Attorney Brown stated that the point would be that when condition changes are made either without a proper permit or deviation from an approval, the fact that they are there has nothing to do with whether the Board will approve.

Mr. Steinberg stated that the applicant needs to give testimony and reasons why the changes would be acceptable. One of those testimonies would be the actual planner who had not envisioned what is there now.

Mr. Menicucci stated that unless and until a judge says so, then we will decide what happens. Mr. Menicucci stated that he believes Board Attorney Brown's demeanor has been very aggressive toward him tonight.

Mr. Steinberg stated that the testimony is finished. The applicant needs to get our professionals. The applicant may also come back with a professional landscape plan.

Board Attorney Brown asked Mr. Steinberg to state for the record whether or not he thought sarcastic comments were made.

Mr. Steinberg stated that comments were made and they can be on the record. That is not why we are here we are here to convince the Board that the changes are reasonable.

Chairman Papp thanked the applicants and announced that the hearing will be carried to the January 28, 2019 meeting without the requirement for notice.

Mr. Steinberg thanked the Boar.

Mr. Menicucci, Mr. Petersen and Mr. Steinberg left the meeting.

The Board discussed a possible special meeting and determined it was not necessary.

Planning Board Secretary Kneser announced that the next meeting date is December 17, 2018 followed by the Reorganization meeting on January 28, 2019.

Planning Board Secretary Kneser advised the Board that there is a Mandatory Training Class available in New Brunswick, Rutgers on March 18, 2019. Allenhurst is also trying to get a training class available for January 13, 2019, but there has been no additional information about it.

Board Engineer/Planner Avakian stated that there may be a training session at in Monmouth County in April 2019. He will advise.

UPON MOTION of Ms. Heinz, seconded by Councilman Menditto, carried, the Board adjourned the meeting.

ROLL CALL:

In Favor: Chairman Papp, Vice Chairwoman Umfrid, Councilman Menditto, Mr. Tilton, Ms. Dalton, Ms. Heinz, Mr. Weaver and Ms. Kane

Opposed: None
Ineligible: None
Abstain: None
Absent: Ms. Gatsch and Mr. Wentz

Approved: _____
Mr. Papp, Chairman

Attest: _____
Gina Kneser, Secretary