

**BOROUGH ALLENHURST
PLANNING BOARD**

RESOLUTION

1-17-2024 ~~(2)~~ (9)

Whereas, Beyda, the record owners of the property has applied to the Planning Board of the Borough of Allenhurst for variance relief and Certificate of Appropriateness approval at the premises located at 215 Elberon Avenue, Borough of Allenhurst and known as Block 17, Lot 14 on the official tax map of the Borough of Allenhurst which premises are located in R-1 Zone. The consideration of the variance and Certificate of Appropriateness requires Planning Board approval.

The lot is 24,441 square feet with a single-family two story home and a detached garage.

The Applicant proposes to construct a walkway, gazebo, small fire pit and grill/serving bar.

A hearing was held on December 6, 2023.

Whereas, the Board after carefully considering the evidence presented by the Applicant, the Applicant's expert, and the comments, if any, by the general public, has made the following factual findings:

1. The Applicant is the owner of the property.
2. The Applicant was represented by Jennifer Krimko, Esq.
3. The Applicant presented the testimony of Jason Fichter, a New Jersey licensed Engineer and Planner.
4. The Applicant presented the testimony of Steven Cartlidge, a New Jersey licensed architect.
5. The Applicant presented the following exhibits:

A-1 Application dated.

A-2 InSite memorandum dated 8/22/2023.

A-3 Photograph of the property.

A-4 Survey dated 9/1/2022.

A-5 Plot plan dated 7/25/2023.

- A-6 Architectural plans dated 8/9/2023.
- A-7 Notice
- A-8 Aerial
- A-9 Color site plan
- A-10 Examples of similar shade structures in Borough
- A-11 Landscape plan
- B-1 Avakian letter dated 10/21/23.

6. It has been determined that Applicant's proposal requires variance and Certificate of Appropriateness approval.
7. Applicant proposes to construct a gazebo and walkway from the pool area to the driveway, remove a portion of the existing patio, construct a small fire pit and extend the patio, install landscaping and construct a grill/serving area.
8. The Applicant proposes to remove 373.45 square feet of existing pool patio.
9. The Applicant proposes to construct 10.14 square foot walkway.
10. The Applicant proposes to construct a 691.5 square foot gazebo.
11. The Applicant proposes to construct a 32 square foot grill/serving bar.
12. The home has been classified as a "Historic Landmark" within the historic preservation ordinance as it was built before 1905.
13. The minimum permitted rear yard setback for a gazebo is 25 feet. Applicant proposes 29.19 feet, which complies.
14. The minimum permitted side yard setback for a gazebo is 25 feet. Applicant proposes 68.12 feet, which complies.
15. The maximum permitted height for a gazebo is 5 feet. Applicant proposes 13.08 feet, which does not comply. **A variance is required.**
16. The maximum permitted area for a gazebo is 40 square feet. Applicant proposes 446.22 square feet, which does not comply. **A variance is required.**
17. The maximum permitted impervious coverage is 40%. Currently existing is 37.21%.

Applicant proposes 39.31% which complies.

18. The style of the gazebo will be neoclassical.
19. The gazebo will have a low pitched hip roof.
20. The ceiling of the gazebo will be B Board.
21. The grill will be placed outside the gazebo.
22. The countertop of the service bar will be granite.
23. The grill will be wrapped in a thin brick veneer which will match piers on porch of the home.
24. The gazebo will contain corbel frieze features.
25. The floor of the gazebo will be IPE decking with sleepers on grade.
26. Applicant will provide a drywell which will accommodate the increased impervious coverage, subject to review and approval of the Borough's professionals.
27. The gazebo will be screened by landscaping to minimize visibility from the street.
28. The gazebo will match the existing home.
29. Testimony was provided that the shade of the gazebo is needed for health reasons for the Applicant.
30. Testimony was provided that the driveway provides 3 parking spots per RSIS requirements.
31. Testimony was provided that the gazebo provides adequate light, air and open space.
32. Testimony was provided that the gazebo provides a usable outdoor space and creates a more desirable visual environment.
33. Applicant's expert opined that the approval of the proposed plans would not create a substantial detriment to the public and not substantially impair the intent and purpose of the Borough Zoning Plan.
34. Allenhurst's Master Plan seeks to achieve the overriding goal of preserving the town's unique character as a historic and tranquil suburban residential community.
35. The unique character is defined, in part, by many homes being built in the 19th and early 20th century.
36. The town has in place a Historic Preservation Ordinance intended to preserve and enhance the historic elements of the town.
37. The Board finds that granting a variance and Certificate of Appropriateness will improve local zoning as it will advance the goal of enhancing and exemplifying the historic architecture of the town.
38. The Board finds that granting the variance will advance the purpose of the zoning ordinance of Allenhurst and its Master Plan as it will preserve the town's unique character as a historic and tranquil suburban residential community.
39. The Board finds that granting the variance will result in a benefit which will

substantially outweigh any detriment.

Whereas, the Board has determined that the granting of the requested variances is appropriate.

Whereas, the Board has determined that the granting of the Certificate of Appropriateness is appropriate.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Allenhurst on the 6th day of December 2023, that the requested variances and Certificate of Appropriateness is GRANTED subject to the following conditions:

- (1). The Applicant shall comply with all promises, commitments and representations made at or during the Public Hearing Process.
- (2). The Applicant shall comply with those applicable terms and conditions of the Leon S. Avakian review letters.
- (3). A general note should be added to the plan indicating the existing curb and sidewalk along the frontage will be replaced if found in poor condition.
- (4). The Applicant shall be strictly limited to the plans which are referenced herein and which are incorporated herein at length. All construction shall comply with prevailing provisions of the Uniform Construction Code.
- (5). The Applicant shall obtain all approvals necessary for this project.
- (6). The Applicant shall in conjunction with appropriate Borough Ordinances pay all appropriate/required fees and taxes
- (7). Any future improvements will require Planning Board Approval.
- (8). The timing requirements set forth in Section 25-3.19 of the Allenhurst Borough Code applies to the granting of Certificate of Appropriateness, Amended Certificates of Appropriateness and/or Variance(s) relief.

As to the APPROVAL of the Certificate of Appropriateness and variance:

Moved by: Commissioner McLoughlin

Seconded by: Mayor McLaughlin

ROLL CALL VOTE

Those in favor: Costello, Varley, Schechner, Commissioner McLoughlin, Chairman Tomaino,
Mayor McLaughlin, Bolan, Ryan

Those opposed: Rogers

Those recused: N/A

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of
Allenhurst on the 17th day of January 2024 that this Resolution be adopted.

Moved by: Chairman Tomaino

Seconded by: Mayor McLaughlin

ROLL CALL VOTE

Those in favor: Varley, Chairman Tomaino, Mayor McLaughlin, Bolan, Ryan

Those opposed:

Those absent: Commissioner McLoughlin

Those not voting:

The foregoing is a true copy of a resolution adopted by the Planning Board of the
Borough of Allenhurst at its meeting on the 17th day of January 2024.

As copied from the minutes
Of said meeting



Kelly Barrett
Secretary, Planning Board
Borough of Allenhurst, N.J.

