

**BOROUGH ALLENHURST  
PLANNING BOARD**

**RESOLUTION NO. 5-18-2022 (4)**

Whereas, Douglas Jemal, the record owner of the property has applied to the Planning Board of the Borough of Allenhurst for a Certificate of Appropriateness and variance at the premises located at 105 Cedar Avenue, Borough of Allenhurst and known as Block 37, Lot 4 on the official tax map of the Borough of Allenhurst which premises are located in R-1 Zone. The consideration of the Certificate of Appropriateness and variance requires Planning Board and Historic Preservation approval. The Applicant also appeals the Stop Work Order issued by the Borough.

The property currently has a 4,703.7 square foot single-family three-story home and no detached garage.

The Applicant proposes: (1) kitchen expansion, rear deck, (2) redesign the kitchen, (3) first floor - living room, dining room, foyer, open living concept for kitchen, living and sunrooms, new doorway to side yard from the sunroom, (4) second floor – redesign of bedrooms, bathrooms, laundry room and master suite, (5) third floor – redesign of bedrooms and bathrooms, (6) basement – 3 storage rooms, 2 closets, 2 mechanical rooms, recreational area, 1 full size bathroom, 1 laundry room, 2 window wells. (7) 2 story detached 3 car garage (864 square feet).

The Applicant appeals the Stop Work Order.

Hearings were held in connection with this matter on March 30, 2022 and May 10, 2022.

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 Steve Gouin, Esq.
3. The Applicant presented the testimony of: Paul Millstein (Director of Construction), Daniel Condatore (New Jersey licensed architect), Kim Haileader (Director of technical preservation for EHT Tracerics, Inc.), Scott Hempel (New Jersey licensed architect), and Paul Ricky (New Jersey licensed planner).
4. The Applicant presented the following exhibits:

A-1     Application dated 12/23/21

- A-2 Amended Application dated 3/10/22
- A-3 Architectural plans dated 12/20/21
- A-4 Site Plan dated 3/17/22
- A-5 Photographs of the property
- A-6 Notice to property owners
- A-7 Photographs of existing interior conditions
- A-8 Photographs of existing conditions
- A-9 Photographs of improving conditions
- A-10 Photograph of restoration process
- A-11 Proposed basement/1<sup>st</sup> floor plan
- A-12 Proposed 2<sup>nd</sup> floor plan
- A-13 Proposed 3<sup>rd</sup> floor plan
- A-14 Proposed rear and left side elevations
- A-15 Proposed front and right side elevations
- A-16 Proposed 3 car garage floor plan
- A-17 Proposed 3 car garage elevations
- A-18 Proposed 3 car garage rendering
- A-19 Revised application checklist dated 4/27/22
- A-20 Revised site plan dated 4/21/22
- A-21 Revised garage floor plans
- A-22 Notice to property owners
- A-23 Garage Plans
- B-1 Avakian letter dated 3/18/22
- B-2 Avakian letter revised 3/24/22

B-3 Avakian letter revised 5/5/22

B-4 Commissioner McLoughlin certification

5. It has been determined that Applicant's proposal requires a Certificate of Appropriateness and variance approval.
6. The Applicant proposes: (1) kitchen expansion, rear deck, (2) redesign the kitchen, (3) first floor - living room, dining room, foyer, open living concept for kitchen, living and sunrooms, new doorway to side yard from the sunroom, (4) second floor - redesign of bedrooms, bathrooms, laundry room and master suite, (5) third floor - redesign of bedrooms and bathrooms, (6) basement - 3 storage rooms, 2 closets, 2 mechanical rooms, recreational area, 1 full size bathroom, 1 laundry room, 2 window wells. (7) 2 story detached 3 car garage (864 square feet).
7. The Minimum Front Yard Setback permitted is 41.5 feet. Currently existing is 39.9 feet, which is non-conforming. Applicant proposes no change.
8. The permitted building height is 35 feet. Currently existing is 43.3 feet, which is non-conforming. Applicant proposes no change.
9. Mr. Milstein testified as the history of the home and the work performed to date. He noted that the home was in disrepair and there were structural issues. Immediate work was required to save the home.
10. The house was built in 1896. The 1905 Sanborn map depicts the 1<sup>st</sup> floor addition. The elevator was depicted on the 1930 Sandborn map.
11. The elevator shaft was in disrepair and had to be removed for safety issues.
12. Applicant will replace column caps in -kind.
13. Stain glass windows will be restored and returned.
14. Bay window will be returned/installed where elevator was located.
15. Aluminum siding will be removed and replaced with cedar.
16. 1<sup>st</sup> floor railings will be 30" in height.
17. Widow walk railings will be 42" in height.
18. Windows which are removed will be returned to their original location.
19. The new second floor addition with be consistent with the historical elements of the existing home.
20. The basement area was climate controlled prior to construction.
21. The Applicant agrees that there will be no bedrooms in the basement. Borough ordinance provides that no more than three stories of a dwelling shall have living or habitable space. **A variance is required.**
22. Walls in the basement will not block existing basement windows.



23. Porte cochere will be shown on the plans.
24. Blue stone will be used on the front steps with.
25. There will be dental and mahogany trim on the wood water table.
26. All exterior renovations will be repaired/restored and replaced in kind.
27. Applicant shall provide revised drawings which reflect the window sizes, heights of railings testified to at the hearings and materials to be utilized.
28. Applicant shall submit a detailed landscaping plan for review and approval by the Borough's professionals.
29. Applicant proposes to add a 2 story detached 3 car garage. The garage will be carriage style with the doors sliding upward. The garage shall be harmonious with the existing dwelling. The garage will have 3 bay doors and is 36 feet long b 26 feet deep. The second floor will consist of two bedrooms, a bathroom, a closet and kitchenette.
30. The 2<sup>nd</sup> floor living space shall not be rented in any manner.
31. Applicant agrees to record a Deed restriction providing that only family members can use/occupy the garage's 2<sup>nd</sup> floor living space.
32. The driveway will extend to all three garage bays.
33. Stairs to the second floor of the garage will be in the interior of the structure.

Whereas, the Board has determined that variance relief requested by the applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan of the Borough of Allenhurst.

Whereas, the Board has determined that the proposal does meet with the Historical Preservation requirements necessary for a Certificate of Appropriateness.

Whereas, the Appeal of the Stop Work Order is deemed moot based on the decision of the Planning Board and the Applicant agrees to withdraw said appeal.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Allenhurst on the 10<sup>th</sup> day of March 2022 that the Certificate of Appropriateness and variance relief is APPROVED subject to the following conditions:

- (1). The Applicant shall comply with all promises, commitments and representations made at or during the Public Hearing Process in connection with this Application and, where consist with this approval, at previous hearings before this Board. This includes, but is not limited to representations made in connection with the previous approvals which are applicable to Application.
- (2). The Applicant shall comply will those applicable terms and conditions of the Leon S. Avakian review letters referenced above revised through 5/18/22.

- (3). 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.
- (4). The Applicant shall obtain all approvals necessary for this project.
- (5). The Applicant shall in conjunction with appropriate Borough Ordinances pay all appropriate/required fees and taxes
- (6). Any future improvements will require Planning Board Approval.
- (9) The timing requirements set forth in Section 25-3.19 of the Allenhurst Borough Code applies to the granting of Certificate of Appropriateness and/or Variance(s) relief.
- (10) All landscaping, drainage and grading plans shall be subject to the Borough Professional's review and approval.

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

Moved by: Commissioner McLoughlin

Seconded by: Rogers

#### ROLL CALL VOTE

Those in favor: Hochster, Commissioner McLoughlin, Chairman Tomaino, Rogers, Varley

Those opposed: None.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Allenhurst on the 18<sup>th</sup> day of May, 2022 that this Resolution be adopted.

Moved by: Chairman Tomaino

Seconded by: Rogers

#### ROLL CALL VOTE

Those in favor: Hochster, Chairman Tomaino, Rogers, Varley

Those opposed: None

Those absent: Commissioner McLoughlin

Those not voting: Mayor McLoughlin, Cumiskey

The foregoing is a true copy of a resolution adopted by the Planning Board of the Borough of Allenhurst at its meeting on the 18<sup>th</sup> day of May, 2022.

As copied from the minutes  
Of said meeting

A handwritten signature in cursive script, reading "Kelly Barrett", written over a horizontal line.

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