

**BOROUGH ALLENHURST  
PLANNING BOARD**

**RESOLUTION NO.: 6-16-2021 (2)**

**401 Main Street  
AMENDED FINAL SITE PLAN APPROVAL**

Whereas, 401 Main Street, LLC, the record owner of the property has applied to the Planning Board of the Borough of Allenhurst for an Amended Final Site Plan Approval at the premises located at 401 Main Street, Borough of Allenhurst and known as Block 21, Lot 1 on the official tax map of the Borough of Allenhurst which premises is located in the C-1 Zone. The proposed improvements require Planning Board approval.

Initially, there were three aspects of the application: (1) approval for an Amended Final Site Plan Approval; (2) appeal of the Zoning Officer applying the restaurant's indoor capacity limit to the outdoor dining area; and (3) approval for the installation of an awning.

This matter was heard on May 19, 2021.

The Applicant withdrew its appeal of the Zoning Officer's interpretation of the seating limitations for outdoor dining and approval for the installation of an awning.

The Applicant sought approval to install a paver walkway, concrete pads, steps with handrails and associated drainage improvements. Additionally, Applicant sought to install a new depressed curb and construct a new trash enclosure in order to relocate the existing dumpster from the adjacent municipal parking lot to the Applicant's property.

This matter is subject to a Settlement Agreement entered into by Applicant and the Borough of Allenhurst dated October 30, 2019.

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 presented the testimony of Charles Witczak, a New Jersey licensed engineer and planner.
3. The Applicant was represented by Jessica Sweet, Esq.
4. The Applicant presented the following exhibits:

A-1 Application dated 8/20/20.

A-2 Rider to the Application.

A-3 Survey.

A-4 Minor Site Plan dated 8/1/20.

A-5 Stormwater Management Plan dated 8/1/20.

A-6 Notice.

B-1 Leon S. Avakian Report dated 12/7/20.

B-2 Zoning Officer letter dated 5/14/21. The subject property contains 9,457 square feet. The property is approximately 75 +/- feet in depth and 151 +/- in width.

6. The subject property consists of commercial space. One of the uses is a restaurant known as Butchers Steakhouse.
7. Applicant seeks to install a paver walkway, concrete pads, steps with handrails and associated drainage improvements. Additionally, Applicant seeks to install a new depressed curb and construct a new trash enclosure in order to relocate the existing dumpster from the adjacent municipal parking lot to the Applicant's property.
8. The Applicant proposes 0.01 cfs of additional stormwater flow into the municipal parking lot with no proposed drainage. **A design waiver is required.**
9. Ordinance Section 26-5.13 states no accessory structure shall be permitted in a front yard. No accessory structure other than the following shall exceed five feet in height or forty square feet in area. Accessory structures, except for the following, shall be at least twenty-five feet from the rear and side property lines.

The Applicant proposes for existing structures behind the building:

Unit 1	Storage	116 sq. ft.	22 feet setback
Unit 2	Storage	105 sq. ft.	21 feet setback
Unit 3	Freeze	49 sq. ft.	11 feet setback
Unit 4	Storage	88 sq. ft.	2 feet setback

**Existing Non-conformity.**

10. The new enclosure will have a vinyl gate.
11. The dumpster will have the capability of "rolling out."
12. A treatment device for discharge from the garbage area will be inserted into the proposed catch basin.
13. There will be a barrier free ramp at the rear of the restaurant. The ramp shall be handicap accessible and 4 feet wide.

14. The proposed step will be poured concrete and will have a rail.
15. The Applicant will maintain the storm drain.
16. The proposed improvements will have no detrimental impact on the drainage in the area.

Whereas, the Board has deemed that the granting the Amended Final Site Plan approval is warranted;

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Allenhurst on the 19<sup>th</sup> day of May 2021 that the Amended Final Site Plan 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.
- (2). 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.
- (3). The Applicant shall obtain all approvals necessary for this project.
- (4). The Applicant shall in conjunction with appropriate Borough Ordinances pay all appropriate/required fees and taxes.
- (5). Any future improvements will require Planning Board Approval.
- (6). ) The Applicant's professionals agreed to address stormwater quality runoff for the municipal parking by providing retrofit inlet filter devices with the inlets along Allen Avenue. These inlet filters will be maintained and serviced by the applicant.

As to the approval of the Application:

Moved by: Chairman Tomaino

Seconded by: Costello

#### ROLL CALL VOTE

Those in favor: Chairman Tomaino, Schechner, Mayor McLaughlin, Costello, Commissioner McLoughlin, Rogers, Varley, Horowitz, Hochster

Those opposed: none

Abstain: none



NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Allenhurst on the 16<sup>th</sup> day of June, 2021 that this Resolution be adopted.

Moved by: Commissioner McLoughlin

Seconded by: Mayor McLaughlin

#### ROLL CALL VOTE

Those in favor: Chairman Tomaino, Schechner, Costello Rogers, Varley, Hochster, Commissioner McLoughlin, Mayor McLaughlin

Those opposed: None

Those absent: None

Those not voting: None

The foregoing is a true copy of a resolution adopted by the Planning Board of the Borough of Allenhurst at its meeting on the 16<sup>th</sup> day of June, 2021.

As copied from the minutes

Of said meeting

A handwritten signature in black ink, appearing to read "Kelly Barrett", written over a horizontal line.

Kelly Barrett

Secretary, Planning Board

Borough of Allenhurst, N.J.