

**BOROUGH ALLENHURST
PLANNING BOARD**

RESOLUTION No. 8-18-2021 (2)

Whereas, Joseph Habert, the record owner of the property has applied to the Planning Board of the Borough of Allenhurst for a Certificate of Appropriateness and variance relief at the premises located at 302 Allen Avenue, Borough of Allenhurst and known as Block 16, Lot 9 on the official tax map of the Borough of Allenhurst which premises are located in R-2 Zone. The consideration of the Certificate of Appropriateness and variance relief and proposed improvements require Planning Board and Historic Preservation approval.

The property currently has a 1,116.4 square foot single-family two and one-half story home and an existing 400 square foot one story detached garage.

The Applicant proposes: (1) 1,637 SF building addition, (2) 405 SF porch addition, (3) 470 SF driveway addition, (4) 930 SF pool and patio construction, (5) 8 SF generator pad; and (6) 18 SF pool equipment.

Hearings were held in connection with this matter on April 21, 2021 and June 16, 2021.

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: David Collins (New Jersey licensed architect) and Patrick Ward (New Jersey licensed engineer).
4. The Applicant presented the following exhibits:
 - A-1 Planning Board Application dated 2/10/21.
 - A-2 Survey dated 7/8/20.
 - A-3 Architectural plans dated 1/19/21.
 - A-4 Plot Plan dated 1/11/21.
 - A-5 Photograph of the property.

A-6 Notice to Property Owners.

A-7 Architectural sheet A 5.01.

A-8 Color rendering of site layout prepared by InSite Engineering dated 4/20/21.

A-9 Photographs.

A-10 Revised architectural plans dated 6/3/21.

A-11 Revised Plot Plan dated 6/4/21.

B-1 Avakian review letter dated 4/20/21.

B-2 Revised Avakian letter dated 6/11/21.

5. It has been determined that Applicant's proposal requires variance relief and a Certificate of Appropriateness.
6. The property currently has a 1,116.4 square foot single-family two and one-half story home and an existing 400 square foot one story detached garage.
7. The Applicant proposes: (1) 1,637 SF building addition, (2) 405 SF porch addition, (3) 470 SF driveway addition, (4) 930 SF pool and patio construction, (5) 8 SF generator pad; and (6) 18 SF pool equipment.
8. The home has been classified as "Historic Landmarks" within the historic preservation ordinance, the garage having been built between 1905 and 1930 and the house having been built between 1890 and 1896..
9. The permitted Minimum Front Yard Setback (Page Avenue) is 29.4 feet aligned. Currently existing is 71 feet. Proposed is 57.05 feet which conforms.
10. The permitted minimum side yard setback is 5 feet on one side or 10 feet. Currently existing is 4.9 feet, which is an existing non-conformity. Applicant proposes the addition at the same setback. **A variance is required..**
11. The permitted minimum side yard setback is 13.1 feet (west). Currently existing is 4.9 feet, which is an existing non-conformity. Applicant proposes the addition at the same setback. **A variance is required. .**
12. The permitted minimum rear yard setback (20% lot depth) is 28 feet. Currently existing is 63.18 feet. Applicant proposes 30.01 feet which conforms.
13. The permitted minimum rear yard setback (120% building height) is 26.2 feet. Currently existing is 63.18 feet. Applicant proposes 30.01 feet which conforms.
14. The Maximum Building Coverage permitted is 3,229.6 square feet. Currently existing is 1,114.2 square feet (6.9%) which conforms. Applicant proposes 2,624

square feet (16.25%) which conforms.

15. The Maximum Impervious Coverage permitted is 6,459.2 square feet. Currently existing is 3,197.3 square feet (19.8%) which conforms. Applicant proposes 6,457.59 square feet (39.99%) which conforms.
16. The Building Height permitted is 2.5 stories (35 feet). Currently existing is 2.5 stories (39.3 feet) which is an existing non-conformity. Applicant proposes an expansion of the existing of the non-conformity. **A variance is required.**
17. The permitted minimum first floor area is 825 square feet. Currently existing is 1,035 square feet which conforms. Applicant proposes 2,362 square feet which conforms.
18. The permitted minimum gross floor area is 1,650 square feet. Currently existing is 2,646 square feet which conforms. Applicant proposes 6,123 square feet which conforms.
19. The permitted minimum distance from a pool to the side property line is 25 feet. Applicant is proposing 39.57 feet which conforms.
20. The permitted minimum distance from the street curb (Paige Avenue) to a pool is 100 feet. Applicant is proposing 50.06 feet. **A variance is required.**
21. Ordinance 26-5.1.11.9 provides that no pool shall be constructed in a front yard setback. The Applicant proposes a pool within the front yard setback. **A variance is required.**
22. Ordinance 26-5.11.d provides that a pool is to be constructed 10 feet from a building. The Applicant is proposing a pool 3.26 feet from the proposed 2nd story balcony. **A variance is required.**
23. The pool depth is not to exceed 3 feet.
24. David Collins testified as follows:
 - a. The front façade of the dwelling is to remain as is.
 - b. The porch will be extended and wrapped around the home on the first floor.
 - c. The basement will remain unfinished.
 - d. Majority of addition will be slab on grade.
 - e. The home will be in the Queen Anne style.
 - f. The home will maintain rhythm of Allen and Page Avenues.
 - g. Cedar impressions or the equivalent will be used on the home.
 - h. The garage will be lifted and relocated on the property with improvements to bring it more into scale with the residence. The doors will be replaced with a similar looking door as shown on the approved plans and remain eight feet in width and will be overhead doors. The doors will be manufactured metal with wood finish.
 - i. Railings on the home will be replaced in kind.

- j. Base of the home will be brick.
 - k. Panels around windows will be Azek.
 - l. Lattice will be installed under porch.
 - m. Stucco pillars to remain. Other pillars will match existing dimensions.
 - n. Porch railings will be 30" in height.
 - o. Air Conditioning units will be placed between garage and home.
 - p. Any damaged sheeting of roof will be repaired or replaced.
 - q. West elevation roof will match existing roof.
25. Patrick Ward testified as follows:
- a. The garage will be located to the southwest corner of the property.
 - b. The garage will continue to be able to accommodate two cars.
 - c. The pool will be 10 feet by 12 feet and 3 feet deep.
 - d. Landscaping will be installed to shield the yard.
 - e. Code compliant fence will surround the pool.
 - f. There will be no lighting (with the exception of standard in-pool lighting or customary and typical ground level residential landscape lighting) or sound system in the pool area.
 - g. The pool will be flush with the patio.
 - h. The pitch of the property towards Page will remain unchanged.
 - i. There will be a mulch bed around the pool.
 - j. Landscaping at corner of Allen and Paige Avenues will not interfere with sight triangle.
 - k. Fence will be behind arborvitae.
26. Joseph Habert testified that the "sitting pool" was for the usage of his children and family. The addition/renovation was intended to enhance the enjoyment and use of the home for the family.
27. The overhang of the garage will extend no more than 6 inches into the setback.
28. The existing hedges will be trimmed to comply with applicable ordinance requirements.
29. The drainage and grading plans will be submitted to the town's professionals for review and approval.
30. The door on the east elevation will be ¾ light door.
31. The eyebrow window on the east elevation will be reduced in size.
32. There will be a gable roof over the door on the Allen Avenue elevation.
33. The newly installed windows will be Anderson windows or the equivalent..

34. Applicant will ensure a sight triangle 30 feet by 30 feet along Allen and Page Avenues.

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.

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Allenhurst on the 16th day of June 2021 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 6/11/21.
- (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.
- (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: Chairman Tomaino

Seconded by: Schechner

ROLL CALL VOTE

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

Those opposed: none

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Allenhurst on the 18th day of August, 2021 that this Resolution be adopted.

Moved by: Costello

Seconded by: Chairman Tomaino

ROLL CALL VOTE

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

Those opposed: None

Those absent: Schechner

Those not voting: Mayor McLaughlin, Commissioner McLoughlin

The foregoing is a true copy of a resolution adopted by the Planning Board of the Borough of Allenhurst at its meeting on the 18th day of August, 2021.

As copied from the minutes
Of said meeting

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

