

PLANNING BOARD MINUTES

May 14, 2014 - 7:30 P.M.

The regular meeting of the Planning Board of the Borough of Allenhurst was held in the Allenhurst Borough Hall, 125 Corlies Avenue, on Wednesday, May 14, 2014, and was called to order at 7:30 PM.

Following the salute to the flag, the Secretary called the roll and the following members were present: Bernard Costello, Gerry Ann Varley, David McLaughlin, Kevin Rogers, Larry Gruner, Joseph Tomaino, and alternates Robert Scally, Anthony Mauro and Sam Boyd. Members Christopher McLoughlin and Frieda Shalam were absent.

The Secretary stated that adequate notice of this meeting of the Planning Board of the Borough of Allenhurst was sent to the Board's official newspaper, and posted on the office bulletin board in compliance with the Open Public Meetings Act.

APPROVE MINUTES

Mr. Gruner moved, seconded by Mr. Boyd, that the minutes of the meeting held April 9, 2014, be approved as distributed. Motion carried.

CORRESPONDENCE

Letter from Robert A. Hazelrigg, Architect, regarding 213 Elberon Avenue. Chairman Tomaino stated he would like to see photos.

Public Notice for Flood Hazard Area Verification and Individual permit for Deal Golf and Country Club.

RESOLUTIONS

RESOLUTION # 5-14-14 02

RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF ALLENHURST APPROVING A CERTIFICATE OF APPROPRIATENESS FOR THE INSTALLATION OF AN EGRESS WINDOW AND WINDOW WELL FOR THE EXTERIOR OF THE BASEMENT ON PROPERTY LOCATED AT 201 CORLIES AVENUE IN COMPLIANCE WITH THE HISTORIC PRESERVATION ORDINANCE

WHEREAS, the Applicants, Rabbi Moshe and Miriam Shamah, have requested a Certificate of Appropriateness for the installation of an egress window and window well for the exterior of the basement on property located at 201 Corlies Avenue; and

WHEREAS, a hearing was held on this application by the Planning Board of the Borough of Allenhurst on April 9, 2014 in the Board Meeting Room, Second Floor, Allenhurst Borough Hall, 125 Corlies Avenue, Allenhurst, New Jersey, and

WHEREAS, all notice requirements were satisfied by the Applicants and the Board has jurisdiction to hear, consider and determine this application; and

WHEREAS, the Applicants offered into evidence the Application as A-1, Affidavit of Mailing as A-2, Affidavit of Publication as A-3 and Zoning determination as A-4 and plans drawn by Michael Savarese as A-5; and

WHEREAS, the Board heard testimony on behalf of the Applicant property owner from the following witness:

Michael Savarese, architect, was sworn and qualified and stated that the well is 4'-6" above grade. It will not be visible from the street and is a pre-fab unit. There are no bulk variances or impervious surface coverage variances needed.

Jennifer Krimko, attorney for the Applicants, stated that they were previously here for renovations to the house. They missed a window well, which would allow egress from a bedroom in the basement.

Vice-Chairman Costello asked if there were any other changes to the house and Ms. Krimko answered, "No exterior changes."

Mr. Scally asked whether it would be covered, and Mr. Savarese stated it will have a cover similar to a pool cover and that the ladder is built-in.

Mrs. Varley asked how one would get out and Mr. Savarese stated it just pops out.

In response to a question from Mr. Gruner, Mr. Savarese stated that the window opens out so that a person could exit and climb the steps in the window well.

Mr. Rogers stated that it looks as if one bedroom has a staircase leading out.

Mr. Savarese stated that there is also a Bilco door. Ms. Krimko added that the construction official did not believe that the Bilco door was adequate for the bedroom. There will be only one bedroom in the basement.

Vice-Chairman Costello asked if that was a change in plans, and Ms. Krimko responded that the interior of the house is not in the jurisdiction of the Planning Board. Mr. Costello stated it was his attempt to have testimony that complies with the plans presented to the Board.

Ms. Krimko stated that there were going to be two bedrooms, but now there is only one. If they are allowed to use the other room as a bedroom, they want to do that.

In response to a question from the Board, Mr. Savarese stated that the cover is only to keep out debris. Mr. Scally stated he would only vote for this if there was a safety cover.

Member Rogers asked if there were any other egress windows, and Mr. Savarese stated that this is the only egress window. However, there is the Bilco door and also, steps into the house.

There was no response to Vice-Chairman Costello's request for questions or comments.

FINDINGS OF FACT:

Member Rogers stated that he had no issues with the application.

Mr. Scally stated that as long as there is a safety cover, he is okay.

Mr. Costello stated that it will not be seen by anyone but the residents.

NOW, THEREFORE, be it resolved by the Planning Board of the Borough of Allenhurst that a Certificate of Appropriateness for the installation of an egress window and window well for the exterior of the basement on property located at 201 Corlies Avenue is hereby granted in compliance with the Historic Preservation Ordinance.

RESOLUTION OFFERED BY MR. ROGERS AND SECONDED BY MR. GRUNER.
THE MOTION WAS APPROVED BY THE FOLLOWING VOTE:

VOTE: COSTELLO-AYE; VARLEY-AYE; ROGERS-AYE; GRUNER-AYE; BOYD-AYE;
SCALLY-AYE

CA & Bulk Resolution – 44 Ocean Avenue (Barber)

The Planning Board Administrator announced that these resolutions cannot be adopted as she had not received revised plans, nor any grading or drainage plans for the engineer to review.

APPLICATIONS

CA/BULK VARIANCE – 219 SPIER AVENUE (STARK)

Mrs. Varley and Chairman Tomaino recused themselves from this application.

Jennifer Krimko, attorney for the applicant, presenting the following items, which were marked into evidence: A-1, Copy of Notice; A-2, Affidavit of Publication; A-3, Affidavit of Mailing; A-4, Applications for Certificate of Appropriateness and Bulk Variances; A-5, Survey of property; A-6, Impervious Surface Coverage Determination; A-7, Zoning Determination; A-8, Plans, A-9, set of photos.

Ms. Krimko stated they are here tonight for renovations and a modest addition to the rear of the house at 219 Spier Avenue. The addition to the rear follows the western wall, which has an existing and non-confirming setback. There is also a modest addition to the side of the garage, which will require a variance as the rear property line is pre-existing and non-confirming. They were at a building coverage of 19.68% and with the addition they will be slightly over 20%. Ms. Krimko introduced Mary Hearn, architect, who was qualified and sworn.

Ms. Hearn presented a two-sided photo board, which was marked as A-10, a colored site plan, identified as sheet A-1 on the plans provided, which was marked as A-11, and a colored elevation identified as sheet 7 in the plans, which was marked as A-12.

Ms. Hearn stated there is an existing bump-out to the rear of the house which they believe was a converted porch. They wish to replace this with a partial two-story and partial one-story addition. They will be relocating the kitchen which is presently in the bump-out. They will be extending the garage on the west side, which will require extending a non-conforming rear yard setback. The addition will also extend a non-conforming west side setback. With the addition, they will be at 22% building coverage. They are just under total impervious surface coverage.

Ms. Krimko stated that her first question to the applicant was where they could cut so as not to require a variance.

Ms. Hearn continued, stating the Starks asked her for a bedroom and bathroom on the first floor for their parents who are elderly. There was a half-bath in the old addition which will be removed. They tried 20 different options to try to eliminate the building coverage variance, but just couldn't do it.

Ms. Krimko asked if the layout of the house was original and Ms. Hearn stated that she thought it was. Ms. Krimko stated that although the Board is concerned with the outside of the house, they may take into consideration that the layout of the inside of the house will not change. Ms. Krimko asked if the proposal will have any visual impact from the street. Ms. Hearn answered no.

Ms. Krimko stated that most of the house is covered porch and stairs. She asked if they were taken out, what would the coverage be and Ms. Hearn answered 14.8% with the addition.

Ms. Hearn went on to describe the outside of the home, stating the windows will match the existing windows. Even the window placement is carried through. They are putting in a bay window identical to the bay in the living room. The roof slopes will marry perfectly. There is asbestos siding there now. She thinks there is clapboard behind it. They would like to put up cedar shake. Ms. Krimko clarified that they are seeking permission to do vinyl siding, but if the budget allows, they wish to put up hardyboard or even wood. Ms. Hearn stated this is an appropriate historic treatment.

Mr. Mauro asked if the garage was built at the same time as the house and Ms. Hearn replied that it is very old, but it is not exactly the same as the house, which may indicate a later date.

Mr. Mauro asked if an elevator would be easier than building a ground floor bedroom. Ms. Hearn stated an elevator would disrupt the bedroom upstairs and run through the stairs. It would be difficult to get to the third floor as the stairway is right in the middle.

In response to a question from the Board, Ms. Hearn stated that the shingle is a 7 inch straight edge. Mr. Costello asked about the corners and Ms. Hearn replied that if it is shake, there will be no corners. Even with vinyl, there will be no corners.

In response to a question from Mr. Scally, Ms. Hearn stated that there is 40 feet from the neighbor's house to the westerly property line.

Ms. Hearn spoke about the garage, stating they wish to add three feet to the side. They will remove the roof and match it to the house. They will re-center the door, which will be 8' wide. As the garage is now, it is not realistic to put in a car and store a bike. Member Rogers asked if the footings were okay and Ms. Hearn answered, yes.

Mayor McLaughlin asked about the floor and Ms. Hearn stated they will re-pour the floor. Member Rogers asked about the driveway and Ms. Hearn stated they will cut the driveway, (it will still be 9') and rebuild it to align with the door. Ms. Mauro asked if there would be a second floor and Ms. Hearn replied, no. It is open. There are not even any joists.

Ms. Costello stated the hip roof is not centered and Ms. Hearn stated that is the way it is now. The new roof will be centered.

Mayor McLaughlin asked if they were replacing the spindles with composite and Ms. Hearn responded yes. They will match what was there. Mr. Mauro asked about the windows and Ms. Hearn stated they will be replaced in the same clear pattern and will be double-hung.

Member Rogers asked if the new railing had to be higher and Ms. Hearn stated no, as the porch is not higher than 30".

Mr. Costello asked about the second floor railings and Ms. Hearn stated there is already a 36" railing there. It does not match and will be replaced with one that does.

Ms. Hearn continued, stating the porch and floor will be replaced. The columns will be repaired or replaced identically. The fluted brackets on top of the columns will be replaced to match. The rail will be replaced. The second floor rail will match the first floor. The windows will be replaced to match. The trim will match.

Member Rogers stated these things should all be detailed on the plans.

Ms. Krimko stated she would work with Mr. Beekman to make sure the Board is clear on all the alternatives.

Mr. Costello asked about the lattice and Ms. Hearn stated it will be composite and will match what was there. Mr. Costello asked about the stairs and Ms. Hearn responded that they will be wood and will be the same width. They will remove the center rail, it is not original.

Mayor McLaughlin asked about the air conditioning units and Ms. Krimko stated they are shown on the plans and do comply. Ms. Hearn showed them on the plans and stated there will be a new cellar entrance.

Mr. Costello asked if they were going to re-roof the house and Ms. Hearn stated the roof is in excellent condition. They will weave in where they can. Member Rogers questioned weaving in the new roof and Ms. Hearn stated that all the roof on a plane will be replaced. It will not look funny.

Ms. Hearn stated they are making a bathroom bigger on the second floor and expanding an existing bedroom.

Mr. Costello asked about the front door and Ms. Hearn stated they are hoping to repair, but if not, they will replace it exactly.

Mr. Costello stated they are beautifully incorporating the addition into the rest of the house and asked about hardship. Ms. Krimko stated that they are not pleading hardship. They are suggesting it is a better zoning alternative and it furthers the purposes of the Municipal Land Use Law. In this case, the Board must decide whether the positives outweigh the negatives. She feels they have proved that. They feel there is no detriment.

Member Rogers asked how many square feet would have to be lost to come into compliance. Ms. Krimko stated they would not be able to put on any addition without removing a portion of the porch, which they do not want to do. Ms. Hearn stated that the porch alone is 5.76%. Ms. Krimko added that this is not a big house and is not a big house for this lot. The addition is to the rear and will not be visible.

Mayor McLaughlin asked if there would be a basement in the addition and Mrs. Hearn stated that there would be. Ms. Hearn added that the basement is not tall and is not finished.

Ms. Hearn stated they are removing the existing addition, walkway and some patio in the rear to stay under 40%.

There was no response to Vice-Chairman Costello's request for public questions or comments.

Findings of Fact

Mr. Mauro stated he likes what the applicant is doing as far as the Certificate of Appropriateness. All materials match. The windows match and the roof matches.

Member Rogers agreed. The architect did a fabulous job. He can tell the homeowner wants to bring this back. They have done everything possible, in his opinion. They have to make sure everything is detailed as far as materials being used.

Mr. Scally stated the improvements are in the back and cannot be seen from the street. It is a great house.

Mayor McLaughlin agreed, stating they have done a beautiful job. He can tell they are putting a lot of work into it.

Mr. Mauro commented that it will look better than it looks now. He didn't feel 2% was much. They are under the total coverage. He felt there were more positives than negatives.

Mayor McLaughlin agreed, stating coverage is a pet peeve of his, but he does not feel that this house is too heavy.

Member Rogers stated they took items out to try to make it all fit. At times 2% means a lot, but for this project, that is not the case. He thinks there is a need. He sees a wonderful option for co-generational families. The homeowners and architect have done an extraordinary job.

Mr. Mauro moved, seconded by Mr. Rogers, that a Certificate of Appropriateness be granted for this application. The motion was approved on the following vote: Costello-AYE; McLaughlin-AYE; Rogers-AYE; Gruner-AYE; Boyd-AYE; Scally-AYE; Mauro-AYE. Mr. Rogers then moved, seconded by Mr. Scally, that variances for the side, rear and building coverage be granted. That motion was approved on the following vote: Costello-AYE; McLaughlin-AYE; Rogers-AYE; Gruner-AYE; Boyd-AYE; Scally-AYE; Mauro-AYE.

RES JUDICATA – 10 ALLEN AVENUE (ADES)

After some discussion, the following resolution was considered:

RESOLUTION #05-14-14 01 RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF ALLENHURST DENYING A CERTIFICATE OF APPROPRIATENESS FOR A NEW, SINGLE-FAMILY HOME ON PROPERTY LOCATED AT 10 ALLEN AVENUE IN COMPLIANCE WITH THE HISTORIC PRESERVATION ORDINANCE

WHEREAS, the Applicant, Maurice Ades, has requested the approval of a Certificate of Appropriateness to construct a new, single-family residence on property located at 10 Allen Avenue in Compliance with the HISTORIC PRESERVATION ORDINANCE.

WHEREAS, hearings were held by the Planning Board of the Borough of Allenhurst on July 10, 2013, August 29, 2013, October 23, 2013, November 6, 2013, and January 8, 2013, in the Board Meeting Room, Second Floor, Allenhurst Borough Hall, 125 Corlies Avenue, Allenhurst, New Jersey, and

WHEREAS, all notice requirements were satisfied by the Applicant and the Board has jurisdiction to hear, consider and determine this application;

WHEREAS, the Applicant offered into evidence at the various hearings: A-1, application; A-2, Affidavit of Mailing; A-3, Affidavit of Publication; A-4, Zoning Determination; A-5, Impervious Surface Coverage Determination; A-6, letter from Borough Engineer; A-7, photos of neighboring properties, A-8, plans dated 6/20/13, A-9, Landscape Plan; A-10, 3D model image; A-11, photo of surrounding structures (3 pages); A-12, study of neighborhood property footprints; A-13, alternate block streetscape (7 pages); A-14, houses without front porches (6 pages); A-15, east perspective; A-16, 216 Allen Avenue; A-17, dormers with flat roofs; A-18, neighboring house elevations; A-19, 231 Allen Avenue; A-20, New Zoning Determination; A-21, topographical survey; A-22, new plans dated 7/14/13; A-23, new plans dated 9/04/13; A-24, revised Engineer's report; A-25, letter from the Child Mind Institute; A-26, study of neighborhood property footprints; A-27, comparison of 10 Allen Avenue and 216 Allen Avenue; A-28, drawing of both houses superimposed; A-29, picture of 231 Allen Avenue, showing same flat roof, although slightly pitched; A-30, picture of 220 Corlies Avenue, showing a portico.

The opposition presented a set of 25 photos of houses in Allenhurst, which were marked as O-1, O-3, historic streetscape; O-4 examples of Greek Revival, O-5, picture of the previous home at 10 Allen Avenue; O-6, picture of a house on Cedar Avenue;

WHEREAS, the Board heard testimony and comments on behalf of the Applicant property owner from the following on July 10, 2013:

Steve Carlidge, Architect, was qualified and sworn and stated that he had revised plans, which answered all of the comments of the Borough Engineer but because they were not submitted ten (10) days in advance of the meeting, they could not be presented to the Board. Mr. Carlidge indicated that they were looking for a Certificate of Appropriateness for a new structure but several bulk variances were needed. They were asking for a variance for the air conditioning units, but after speaking to the neighbor, they decided to move those to the rear of the house, no longer requiring a variance. They are proposing a 2.5 story Neo-Classical Revival house. He further stated that they conform as to the front yard set-back and that there would be a garage in the rear of the house, which would comply. They also propose a pool in the rear, which would result in a side yard variance. Mr. Carlidge continued that the first floor has a front portico, there are two large Doric columns and there would be a grand entrance into a main foyer. To the left would be a grand stairway and there would be a kitchen and dining room to the rear. Further, there would be French doors to the back of the house at the end of the fireplace. Mr. Carlidge next described the basement floor plan, stating that it would be finished. There will be egress windows, the second floor would contain a master suite, three children's bedroom, each with a bathroom and a laundry room, the third floor would have three additional bedrooms, one bathroom, a sitting room and a balcony. The house will be clad in clapboard and the roof will have asphalt shingles. Mr. Carlidge described the east elevation and stated the windows will be six over one. Mr. Carlidge then presented and described a landscape plan marked as A-9 and he then went through the letter point by point.

Commissioner McLoughlin asked if the house could be moved closer to the driveway, and Mr. Carlidge indicated it could not because there are steps and they would not be able to create a landscape buffer. Member Varley asked if this house was in line with Mrs. Minchello's house and Mr. Carlidge answered that it would extend beyond the porch. Member Varley also commented that even though they will comply, they will still be blocking the view from the neighbor's house.

Member Fleming asked if the applicant would be able to see the ocean from the east side of the house and Mr. Carlidge said only from the second and third floors.

Member Mauro asked the size of the pool and was told it was 20'x40'. Member Rogers asked if any attempt was made to come in under impervious surface coverage. Mr. Carlidge stated that they recognize parking is a problem in this area and the applicant wanted to provide more off-street parking. Therefore, they have a paved portion off the driveway, which would accommodate another car.

Mayor McLaughlin stated that he knows of no other home which allows for parking on the front lawn. Mr. Carlidge agreed but stated he thought it would be beneficial. Mayor

McLaughlin asked if the patio only went half-way around the pool and Mr. Carlidge said that was correct. There was a short discussion on the set-back of the home and whether it would block any ocean views.

Commissioner McLoughlin asked how many square feet would have to be eliminated to meet the impervious surface coverage and Mr. Carlidge answered it would take 357 square feet.

Member Rogers asked about reducing the size of the pool. Then Chairman Tomaino asked if the applicant had considered reducing the average size of the home.

Mr. Carlidge stated that he was working extensively with his client. At this point in time, Chairman Tomaino announced that this application would be carried to the August 14, 2014 meeting.

At the hearing on August 29, 2013, Attorney Fernicola presented a set of 25 photos of houses in Allenhurst, which was marked as O-1.

Mr. Carlidge stated that his opinion would be that there would be only a variance for a pre-existing, non-conforming lot. Mr. Carlidge continued, indicating that this is a Neo-Classical style and his client decided they would like the porch at the rear of the house, as it is such a busy street. There would be a front portico instead. There would also be a 16" Juliette balcony and two, large, Doric columns. Windows would be six-over-one double hung, the east-facing dormer is open with a stone base. The siding would be fiber cement clapboard and there would be an asphalt shingle roof. There is a first-floor and a second-floor porch to the rear. There will be French doors opening onto the rear terrace. The garage would be detailed exactly as the house with identical materials.

Mr. Carlidge went through the landscaping plan and spoke about the first block of Allen Avenue. He further stated that there are six different styles of architecture. He showed houses in town without porches that he felt were appropriate.

Member Rogers stated that all of the houses on that block have front porches. Mr. Carlidge agreed but stated that the ordinance shows new houses that should match those in the district, not necessarily in the same block.

Member Mauro stated that he did not see a chimney and Mr. Carlidge agreed. Chairman Tomaino stated that there were 8 bedrooms. He asked about the ratio of cars to bedrooms. Mr. Carlidge stated that he was not aware of any ratio but that he would look into it.

Chairman Tomaino further commented that he felt that the house was three stories due to the plate height. Mr. Carlidge stated they only get that height in the dormers. Mr. Tomaino felt that a variance might be required for a third floor.

Robert Fernicola stated he was representing Mrs. Minchello at 18 Allen Avenue and spoke about the rhythm of porch projections along the street.

Mr. Carlidge stated that he would agree but he also demonstrated that there are houses in town that do not have porches and this is what makes Allenhurst what it is.

Mr. Fernicola asked if there were any houses on the ocean block that do not have porches and Mr. Carlidge stated he couldn't say but it could be true. Mr. Fernicola stated that porches are extremely prevalent and it is an architectural feature on the ocean block. He went on to state that the applicant had shown a picture of 100 Spier as an example of a house without a porch. He also asked if it was possible that the house did not have a porch at one time and Mr. Carlidge said it was possible. Mr. Fernicola further asked if there were any other structures in town with a third-floor balcony that had a flat roof and Mr. Carlidge said that he did not research that.

Mr. Fernicola then spoke about the general alignment with the neighbors and Mr. Carlidge felt it was in alignment. Mr. Fernicola then asked if this structure harmonized with the mass and structure of the other houses in the area. Mr. Carlidge stated that he did speak about the bungalows, indicating that they were small.

Mr. Fernicola asked if the house could be located further back and Mr. Carlidge said that they are within the average alignment.

Mr. Fernicola then asked how three bedrooms, a bathroom and a living area are not considered a third floor. Mr. Carlidge stated that it complies with the ordinance. Mr. Fernicola then questioned cornice lines and whether it was high. Mr. Carlidge indicated it could be but if so, only by a matter of inches.

Mr. Fernicola continued with stating that the garage should be placed to the rear and side of the lot. Mr. Carlidge then responded that the garage is in the rear yard and if it were all the way in the rear, the driveway would have resulted in an impervious surface coverage variance.

Mr. Fernicola questioned the entrance to the basement and Mr. Carlidge stated that the entrance is from the interior of the house.

Mr. Fernicola also asked about the concrete around the pool and Mr. Carlidge stated that there was 2' of pavement on two sides and pavement between the pool and house. Chairman Tomaino asked if there were any further questions of the architect and there were none.

Member Rogers stated there was testimony that the neighbor to the west has no view of the beach.

Member Costello asked if there were utilities in the garage and Mr. Carlidge indicated that only the electric was there.

Member Varley stated that the neighbor's porch will look east with a view to this new house. It is not possible to move the house back 6' so that the neighbor has their view. Mr. Carlidge indicated that they could shift the house 3.8' without requiring a variance. It is already set back an extra 2' from what is required. If anything is slid back, the longer driveway would trigger an impervious surface coverage variance. Member Rogers stated that another alternative would be to reduce the size of the pool. Member Varley asked if the Board would consider a variance for the driveway, will they consider moving the house back 3.8', which would mean the house will extend only 2' beyond the front façade of the neighboring house.

Chairman Tomaino spoke about plate height with a gable roof, it would be acceptable. An 8' plate is a violation. Mr. Carlidge stated that if they set the plates at 8', they would pitch

the roof, but they may need relief on the height. Chairman Tomaino stated the Board would have to consider that. Member Mauro asked about the ceiling height and Mr. Carlidge responded that it was 10' on the first floor and 9' on the second floor. They are 1' 9" above grade.

Chairman Tomaino asked if the Board agreed there was a variance condition with the plate. The Board agreed. Mr. Carlidge stated that they would have to provide a solution to that.

At the meeting on October 23, 2013, Mr. Carlidge stated that they have made two changes to the plan. They have revised the plate height from 8' to 6' and he now believes they comply with the ordinance. The other change was their agreement to move the house back. The house was set back at 52' and they have moved it to 55.9'. That is as far as they can go to put in the pool without variances. However, they will still need a variance for impervious surface coverage as they will have to extend the driveway as it is now at 40.35%.

Member Rogers asked how much of the pool could be reduced to eliminate that variance and Chairman Tomaino figured it would be about 2.5'. Mr. Carlidge then went through the engineer's letter item by item.

Chairman Tomaino asked about grading and drainage and Mr. Carlidge stated they would be providing a grading and drainage plan with dry wells to be approved by the Board engineer and this could be a condition of the resolution.

In response to Chairman Tomaino's request for public questions, Mr. Fernicola asked what the difference was in the setbacks between 10 Allen and 18 Allen Avenue. Mr. Carlidge responded that the setback to the front façade of 18 Allen is 60' and they are proposing a frontage of 55.9'. Mr. Wenning indicated that the houses on the block are not set in a direct line. Chairman Tomaino commented that from west to east, the last house to the east is set back further. Mr. Carlidge agreed, stating that he can see from the aerial photo that the houses set back.

Chairman Tomaino asked that if he were sitting on the porch of the house to the west, could he see the ocean and Mr. Carlidge responded, 'when there is no vegetation. When the vegetation is gone, you may have some view to the east.'

Chairman Tomaino stated that one of the objections was that the view would be blocked and Mr. Carlidge responded that they have relieved that to the greatest extent possible.

Member Fleming questioned the number of bedrooms and Mr. Carlidge stated that there will be 8, including the basement bedroom. Chairman Tomaino stated that according to the NJAC, a five-bedroom home requires 3 parking spaces. Mr. Carlidge agreed that the law does not go beyond that and there will be room for 3 cars to park off-street.

Mrs. Ades was sworn and stated that the house is for them and their 3 small children. She and her husband have one car between them and they were concerned about foot and car traffic. Mr. Fernicola stated the Ades live in the City where traffic is heavy. Mr. Fernicola indicated that Mrs. Ades was saying that a front porch was a dangerous condition and Mrs. Ades

said, 'absolutely.' Their oldest son has ADHD and is impulsive. He may chase after a ball. He has a full-time aid at school. She brought a letter from the Child Mind Institute, which was marked as A-25 and she read a portion regarding the safety of her son.

Mr. Fernicola stated that the Ades live in the city where traffic is heavy. The traffic in Allenhurst cannot compare with the traffic in the city. He asked if they had people who care for and watch the children. Mrs. Ades responded, "Some of the time." Mr. Fernicola asked if Mrs. Ades was saying that a front porch was a dangerous condition and Mrs. Ades responded, "Absolutely." She stated that one of their dreams is for him to have some freedom. Mr. Fernicola asked how a front porch would prevent their son from playing in the back yard and Mrs. Ades responded that they would have to prevent him from having access to the front porch.

Dr. Fernicola asked if the applicants' son's condition was known prior to their interest in this lot and stated that he was diagnosed at 20 months old, indicating ADHD. She further stated that they would use the pool for therapy. Member Rogers asked if an 18'x40' instead of a 20'x40' would make a difference and Mrs. Ades responded, 'probably not.'

Peter Pulice, an architect and planner, was sworn and qualified. Mr. Pulice stated that he has reviewed the Borough's Historic Preservation Ordinance. He indicated that he had read a portion of the Design Guidelines, which explained vertical proportions. He described the photo marked as 0-3 and indicated that he felt this house was misaligned. It was off-center and does not align with the houses on either side. He gave his opinion on size and scale and stated that it was an over-scaled project for this neighborhood. The house technically has a third story, where only 2.5 stories are permitted. Mr. Pulice then spoke about the rhythm and directional emphasis. There should be a rhythm of solids and voids and this house has more solids than voids and does not fit well with its lack of architectural elements and it is a severe façade.

Mr. Pulice then spoke about entrances and porch projections to the street, stating that porches and verandas are visible elements and are very important. This house does not have a front porch. Mr. Pulice then presented 0-4, which gives examples of Greek Revival. He explained how this was used as an example of what they were trying accomplish. He explained the differences in both homes stating their smaller dormers, open porches and differences in scale.

At the November 6, 2013 meeting, Robert Fernicola, attorney for the objector, Mrs. Minchello, stated that the applicant does not own the property, but Michael Wenning, attorney for the applicant, stated that he is the contract purchaser and both have signed the application.

Mr. Fernicola presented a picture of the previous home at 10 Allen Avenue, which was marked as 0-5.

James Pulice, who was previously sworn and qualified as an architect and planner, stated that this house was set well back from the street. He stated this is an undersized lot, which has a frontage of 75', where 100' is required. This requires a C-1 variance. They are also slightly over impervious surface coverage. It also seems that this house has a third story, which is not permitted.

Mr. Pulice then spoke to size and scale, stating this application does not integrate well. It is clear that this plan was bulked up in order to give the applicant the maximum space. There are 9 bedrooms and 8 or 9 baths. He felt there was a total disregard for the historic district guidelines. There is a lack of a veranda or porch, which are key elements. The historic regulations refer to the sensitivity of the adjacent homeowners. In that, there was also a total disregard. This application does not respect the neighborhood or surrounding homes.

Mr. Pulice continued, stating this design shows an almost flat roof. The dormers are massive in scale and do not mimic size, proportion or other dormers in the area.

Mr. Fernicola stated that the applicant presented other examples of dormers, which make flat roofs and Mr. Pulice stated those homes are not similar. They have a ridge line and are a hip roof construction.

Mr. Fernicola asked if this structure brought in two or more major architectural elements and Mr. Pulice answered, 'no.' The two major elements would be a veranda or porch, and a roof line that is compatible. This house is over-scaled and overbearing. There are no homes similar to this and it would not harmonize with the streetscape. It would be detrimental and would set precedence for new construction, which will dismember the intent of the Historic Preservation Guidelines. He believes it is over-developed.

Mr. Fernicola asked if any house could be built on the property and Mr. Pulice stated yes, but the Board has to use discretion and judgment for the size of the property.

Mr. Fernicola stated his client is just to the west. He asked what would happen to his client's view to the east. Mr. Pulice responded that there is a good possibility that her view would be blocked or obstructed. It would also affect her air and light quality because of the third floor.

Mr. Fernicola asked if the columns in front were a major architectural element and Mr. Pulice answered, 'yes,' as are towers Porte Cocheres, dormers and roofs.

A picture of a house on Cedar Avenue was entered into evidence as O-6. Mr. Pulice stated this was a relatively new construction in Allenhurst. He believes this house is also defective and missing the intent of the Historic Preservation Guidelines. It has no historical reference to the neighborhood and is a hybrid design. Mr. Fernicola asked if Mr. Pulice had made similar findings for this proposed structure and Mr. Pulice answered, 'yes.'

Mr. Fernicola asked what the IRC was and Mr. Pulice explained that it is a building code adopted by the State of New Jersey. Section R300 described height and area limits for single-family homes. Under this criteria, attic space can be habitable but is limited to 1/3 of the area below. Anything exceeding that footprint is classified as a third floor. This floor is 40% larger than that limit. Based on the IRC definition, this is a third floor. That would require a height variance, which is a C-2 variance.

Mr. Fernicola asked Mr. Pulice if he had testified as an historic architect in other jurisdictions and Mr. Pulice stated that he has, about 6 or 8 times. Mr. Fernicola asked if this application complies with the Borough's Master Plan and Mr. Pulice stated it did not adhere to

basic recommendations and certain elements. There is total disregard for context and neighborhood.

Mr. Wenning asked if Mr. Pulice would agree that in the terms of the Master Plan, that this project meets the requirements for setbacks. Mr. Pulice agreed. Mr. Wenning stated that the project meets the basic requirements of the Master Plan and Mr. Pulice stated that he wouldn't say that.

Mr. Wenning asked if building and land coverage percentages took into consideration the size of the lot. Mr. Pulice stated they are over impervious surface coverage. Mr. Wenning stated only because their client asked that the house be set back further and they complied.

Mr. Wenning asked if, when the ordinance was developed, it took into consideration light, space, etc., and Mr. Pulice answered, 'yes' and stated that the Board has to weigh the application and the design intent and scale. The application might meet the definition, but other factors have to be taken into consideration.

Mr. Wenning then asked if it was Mr. Pulice's position that State law does not permit third stories. Mr. Pulice replied, 'not in this district.'

Mr. Wenning asked if Mr. Pulice had reviewed the definition of a third story in the Allenhurst Ordinance. Does it meet the guidelines? Mr. Pulice stated that it does not and it is superseded by the State. He added that there are houses that have third stories but they pre-exist the building codes and the Borough Zoning Ordinance. Mr. Pulice indicated that this application is for a new construction and must comply with 2.5 stories and 35' height and must be one-third of the story below.

Mr. Wenning asked the relevance of a picture of 6 examples of Greek Revival architecture and Mr. Pulice indicated that it was to illustrate the period homes and how they integrated with roof lines.

Mr. Fernicola asked Mr. Pulice if granting this application would be detrimental and Mr. Pulice answered, 'very much so.' He further stated that it would set a precedence for others to maximize the same intent. He further indicated that this is a house which should sit on a much bigger piece of property and also needs a height variance.

Mr. Fernicola asked Mr. Pulice to read section 6 of the Borough's Ordinance regarding new construction, which he did, stating there must be a rhythm of porch projections. Mr. Fernicola asked if the house complies in any way with that section of the Historic Preservation Ordinance and Mr. Pulice answered that it did not.

Chairman Tomaino stated that Mr. Pulice did not mention the requirements for 5A.

Member Mauro asked if a bedroom could be located on the half story and Mr. Pulice answered, 'yes.'

Member Rogers asked if it stated that in an R-1 Zone, and Mr. Pulice stated that it is in the Construction Code.

Chairman Tomaino asked Mr. Pulice to clarify his remarks about light and air quality. Mr. Pulice stated he is concerned with light and air on both sides because of the roof height and mass of the roof. Chairman Tomaino further asked how this construction would or wouldn't harmonize with the neighborhood. Mr. Pulice indicated that he found homes in town that are unique.

Chairman Tomaino further asked if it was too much mass and Mr. Pulice stated that it is overbalanced and overpowering. It is a cube. Chairman Tomaino asked what size house would work there and Mr. Pulice stated that personally, he would have put a porch on it as it would be more compatible.

Member Costello stated that there are about 8 houses on the block and this one would sit between 2 of the smallest houses.

Mr. Carlidge gave his historic architect background and he said that he is very sensitive to the Historic District. Mr. Carlidge presented a comparison of 10 Allen Avenue and 216 Allen Avenue and a drawing of both houses superimposed. He indicated that they willingly set back the house 6 feet to accommodate the neighbor.

Mr. Carlidge testified as to a porch or Porte Cochere and stated that if it was required, they would have done it.

Mr. Carlidge stated that the Board heard testimony as to solids and voids. They moved the house more to the east so they do comply.

Mr. Carlidge further stated that he heard discussion that the house lacks articulation and horizontal elements. They also have architectural features that are found on other landmark structures in the Historic District.

Chairman Tomaino asked Mr. Carlidge to respond to testimony regarding section 6, Harmony and Visual Character of the Neighborhood. Mr. Carlidge stated he feels the house is consistent with the scale of the neighborhood. He admitted that the house to the left is a Dutch Colonial and is smaller in scale to what they are proposing and it appears that it is on a smaller lot.

Chairman Tomaino asked about the height of the surrounding structures and Mr. Carlidge stated he did not survey the adjacent structures. By eye, there may be a couple of houses that sit higher than the house to the west.

Member Rogers asked what the sideline setbacks were for 216 Allen Avenue and Mr. Carlidge responded that he thought they were 12.5 feet on each side.

Mr. Fericola cited Section 6.1, which says it shall be aligned with the general façade line of its neighbors. Mr. Carlidge stated that it was predominantly that and that it gives the house some flexibility.

Member Costello asked if Mr. Pulice looked at an aerial view of 216 Allen, what would it look like and Mr. Pulice said he believes there is a ridge line and the only flat area is above the portico.

The Board heard the continued application of Ades and they indicated that they would address findings of fact for this application.

At their meeting on January 8, 2014, the Board considered the following:

FINDINGS OF FACT

Chairman Tomaino cited Section 6.9 of the ordinance regarding new construction. Mr. Gruner read the Section.

Chairman Tomaino paraphrased the testimony regarding a porch located at the rear of the home rather than at the front. There was considerable conversation regarding the dormers and whether or not they constituted a third floor. The applicant lowered the plate height in order to conform. The objector spoke about the residential code and how, by that definition, it was a three-story home. The applicant testified that it was a safety code and if built, they would comply with those requirements. They argued that the Zoning Ordinance is what defined the height and stories for planning purposes. There was also testimony on the façade and the bulk of the house. The objector talked about the sheer façade. In Mr. Carlidge's testimony, the home fits within the district. The objector's expert gave testimony on the importance of front porches in Allenhurst.

Mr. Mauro stated the Developmental Regulations say, "strongly" not "mandatory." They are across from the Beach Club on a busy street.

Mr. Gruner stated there was testimony from the objector on the streetscape. He felt it would not fit in with the neighborhood because of the lack of a porch and the verticality of the home.

Chairman Tomaino spoke about the flat roofs. The roof is not perfectly flat, but it appears to be flat.

Mr. Mauro stated that there are some homes in town with similar roofs.

Mr. Gruner stated the ordinance does say that flat roofs should be avoided in new construction. By all appearances, it is a flat roof.

Chairman Tomaino stated there was a good deal of discussion on 18 Allen Avenue having their view blocked. They were satisfied in that regard by setting the house back.

Mr. Gruner stated there was a great deal of discussion regarding the massing of the house and how it would look more appropriate on a larger lot. It was described as overpowering.

Chairman Tomaino agreed that the Board has to look at the visual aspect of the design.

Mr. Costello stated that the houses on either side are atypical, especially for the ocean block. What are they supposed to be comparing this house to, the houses next door or the houses on the block?

Chairman Tomaino stated that suppose this house was built and similar houses were put on either side, would it be the streetscape that Allenhurst deserves?

Mr. Costello stated they would then all be the same on that block. It is unrealistic to believe that anyone would build a 1,000 square foot home on the ocean block.

Mr. Mauro asked if they should take into consideration when the restaurant is built with the deck, that may be the reason the homeowners would prefer a deck in the back of their house.

Mr. Costello spoke about the dormers, stating the objector testified that they did not fit. The applicant countered that they may not be on that block but were found in the district.

Chairman Tomaino stated that there was testimony that the dormers were too wide for the home. They were not in proportion, and he thinks that was a valid statement.

Mr. Costello asked if that was a historic matter or a matter of taste.

There was a discussion regarding front porches in which Chairman Tomaino stated that they are prevalent on Ocean Avenue and the Design Guidelines prefer them. On the other hand, the applicant cited the busy street and the needs of the family.

Mr. Costello stated it is not a requirement, and they would need a defensible position as to why they are objecting to it.

Mr. Gruner stated it is not a requirement, but if there is no front porch, there should be some other element to break up the sheer face.

Mr. Costello stated that the applicant could move the house four feet closer to the street, put a porch on it and still comply with the Zoning Ordinance.

Chairman Tomaino stated that most homes don't have a 35' verticality on the face. This house has a sheer 35' façade.

Mr. Mauro stated there are some square, Mediterranean-type houses.

There was no response to Chairman Tomaino's request for public questions or comments.

At the January 8, 2014 meeting of the Planning Board, Mr. Costello offered a motion to approve the application. The motion was seconded by Mr. Mauro and did not pass on the following vote: Greuner-NO; Costello-AYE; Tomaino-NO; Scally-NO; Mauro-AYE.

NOW, THEREFORE, be it resolved, by the Planning Board of the Borough of Allenhurst that the application for a Certificate of Appropriateness to construct a new, single-family residence on property located at 10 Allen Avenue is hereby denied in compliance with the Historic Preservation Ordinance.

This resolution was offered by Chairman Tomaino, seconded by Mr. Gruner and adopted on the following vote: Gruner-AYE; Tomaino-AYE; Scally-AYE.

Mr. Wenning, Attorney for the applicant, stated that new plans have been submitted. There was an issue raised by the Borough Engineer as to whether Res Judicata applied. He would like an opportunity to explain the differences between the two applications. Res Judicata is determined by the full Board, not only the five members who heard and voted on the previous application. He quoted a passage from the Municipal Land Use Law.

Mr. Beekman agreed, stating he had no problem with that.

Steve Carlidge, architect, was sworn and stated he reviewed the resolution and was present at the January 8th meeting of the Board. He went back to the drawing board and new plans were submitted. He feels there have been substantial changes in the new application. They address the negative issues that were brought up in a previous Certificate of Appropriateness application. He heard concerns about massing and scaling of dormers. They heard issues relative to the overall massing of the house and in particular, the roof line. The Impervious Surface Coverage variance has been eliminated. There was a discussion on the number of bedrooms and the new application reduces that number.

Mr. Carlidge presented SPA-01, SPA-07, SPA-14 and SPA-15 for the Board's review. SPA-15 shows the roof plan on the old application and the roof plan of the new application. He explained the differences to the Board.

He explained that SPA-01 is the same information, but shown on an elevation. He superimposed the prior application over the new application. He addressed changes in the dormers and roof pitch, using SPA-14 for reference.

Mr. Carlidge stated that the house next door sits three feet from their property line. There was a concern with massing. Their eve height is 22.5'. On Mrs. Minchello's house, there is a direct vertical plane to the ridge line, which is far in excess of their eve height.

SPA-07 showed seven other structures in Allenhurst with similar roof lines. The Borough's ordinance says that one way to achieve compatibility is to emulate other historic houses in the district. Not on the street, but in the district. It is not unusual to have some degree of flat roof on the structure. He believes they have an application worthy of being heard by the Board.

Mr. Wenning stated they are dealing with a Certificate of Appropriateness, which is much more difficult. He would submit that there have been substantial changes so that the doctrine of Res Judicata does not apply to this application.

Chairman Tomaino asked if they were going to address the issues of a front porch, sheer façade and bulk of the house. All of the issues should be addressed.

Mr. Carlidge presented SPA-05, which showed 12 other structures in Allenhurst that do not have a front porch. He heard a discussion that the Board would like to see a front porch; however, it is not required in the ordinance. He felt they were entitled to have a portico instead of a front porch. He stated that he only needed to find one other house with the same roof structure and two houses with other features.

Chairman Tomaino stated that in the resolution it points out that porches are prevalent along the ocean block.

Mr. Carlidge stated there are two houses on the ocean block that do not have front porches.

Chairman Tomaino asked about the façade and bulk. Mr. Carlidge stated that they lowered the eve height of the house. There is a vertical lift to the house with a predominant front portico. They countered this with a classical frieze band. They are many houses in Allenhurst that do not have vertical elements. The neighbor has a smaller dimension. It is a tripartite façade. They are reinforcing the center with Juliette balconies and three dormers in the front.

Chairman Tomaino commented that it would be helpful to have a side by side comparison. Mr. Carlidge showed the elevations side by side.

Mr. Boyd asked the width of the front of the house and Mr. Carlidge stated it would be 50 feet. The house meets all bulk requirements. Member Rogers asked what the width of the house on the previous plans and Mr. Carlidge stated they were also 50 feet.

Mayor McLaughlin asked if the massing on the side was lowered by a foot and Mr. Carlidge replied that it was lowered one foot and they added dormers. Mayor McLaughlin asked how tall the roof was in the center and Mr. Carlidge answered that it was 34', 8". Mayor McLaughlin asked about the height on the previous plans and Mr. Carlidge responded that it was the same. Mr. Carlidge added that the roof diminishes to its minimum size which reduces massing.

Chairman Tomaino questioned the number of bedrooms and Mr. Carlidge stated there were eight originally and now there are seven, counting the one in the basement.

Mr. Carlidge stated that the third floor has been reduced from 1,004 sf to 927 sf. By lowering the eve, they have reduced that area. The first and second floors have not changed in square footage.

Chairman Tomaino stated there was testimony that the dormers were too wide for the house and that is what is being addressed.

Mr. Carlidge stated that adding a front porch will make the house look wider. He felt they had the right mix of vertical and horizontal elements to make the house feel right.

In response to Chairman Tomaino's request for public questions or comment, Robert Fernicola, attorney for Nancy Minchello, a neighbor, referred to SPA-07 and stated it shows flat roofs. Mr. Carlidge stated they are hip roofs that terminate in a flat section. Mr. Fernicola stated all those houses have wrap-around porches. He referred to 7 Spier Avenue, stating he has lived there many years. He asked who prepared the documents and Mr. Carlidge replied that a member of staff prepared them. Mr. Fernicola stated he doesn't know if someone took a pyramid roof and put on a red top. Mr. Carlidge stated it was done to show there are similar roof styles in Allenhurst.

Mrs. Minchello, 8 Allen Avenue, read a statement she had prepared concerning this application. She asked why anyone would contemplate building a seven bedroom mega-home with a pool next to an "outhouse", which is how her house was described. The closeness and enormity of the house is illogical and dangerous. She was a witness to two fires next door to her house. This house will obscure her space and view from the front porch. It is not compatible with the size of the other bungalows on the street. It is an anomaly aesthetically and practically. It doesn't have a porch. There is a drainage issue. Rainwater winds up in her basement. She

feels a trough should be installed to carry rainwater. The rights of existing neighbors should be considered. She believed the Board would do that which is fair and right.

Mr. Wenning stated they have gone far afield from what they are determining here. He summarized his arguments to the Board, stating his client has expressed why she doesn't want a porch. There was testimony given on massing, there is one less variance and he feels this is not a case of Res Judicata.

FINDINGS OF FACT

Chairman Tomaino states they are not approving the design. They are only determining whether there are enough differences to make this a new application. He stated that Mr. Carlidge addressed massing and scale of the dormers and overall massing and the roof line. The variance coverage was eliminated. The number of bedrooms has been reduced. The flat roof was reduced in area.

Mr. Mauro asked how the area of flat roof compared to others and Mr. Carlidge stated it varies depending on the structure. This application is much smaller.

Chairman Tomaino stated the top floor area was reduced by about 8 percent.

Mr. Costello commented that if you take this element by element, he thinks the dormers are a substantial change. He thinks the dormers change the massing. An eight percent reduction may not be a lot, but as a result, they lost a bedroom. It is not substantial to the whole house, but to the floor.

Mayor McLaughlin asked if there were any guidelines to help them determine whether this application was substantially different. Mr. Beekman stated it is really up to the Board. Each member has to determine whether this is a different application than the previous one.

After some discussion, Mr. Costello stated there are two ways to look at this. He thinks they should look at it by asking if the changes made addressed the Board's concerns rather than by looking at side by side pictures.

Mr. Gruner agreed, stating he found three points that were addressed. They were dormer, roof line and impervious surface coverage.

Chairman Tomaino stated they also discussed the flat roof and, to a degree, the massing, which is reduced by the roof line and smaller dormers.

Mr. Mauro stated the flat roof was addressed.

Mayor McLaughlin stated that he really has to study the plans to find the differences.

Chairman Tomaino asked how the resolution should be offered and Mr. Beekman advised the Board that a yes vote means the Board finds the plans substantially similar and Res Judicata applies.

Mr. Gruner moved that these plans are substantially similar to the plans previously submitted and voted on by the Planning Board. Member Rogers seconded that motion and it was

approved on the following vote: Costello-NO; Varley-AYE; McLaughlin-AYE; Rogers-AYE; Gruner-AYE; Tomaino-NO; Boyd-NO; Scally-AYE; Mauro-NO.

The Administrator announced that the resolution passes and this application will not be heard as Res Judicata applies.

There being no further business, Mr. Gruner moved, seconded by Mr. Scally, that the meeting be adjourned at 10:42 PM. Motion carried.

Lori L. Osborn, RMC
Clerk-Administrator