

# GIORDANO, HALLERAN & CIESLA

A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW

**STEVEN P. GOUIN, ESQ.**  
SHAREHOLDER  
ALSO ADMITTED TO PRACTICE IN NY  
SGOUIN@GHCLAW.COM  
DIRECT DIAL: (732) 219-5498

*Please Reply To:*  
125 HALF MILE ROAD  
SUITE 300  
RED BANK, NJ 07701  
(732) 741-3900  
FAX: (732) 224-6599

April 29, 2020

Client/Matter No. 22089/1

**VIA EMAIL AND FEDERAL EXPRESS**

Alison Gavin, Planning Board Secretary  
Allenhurst Borough Planning Board  
Allenhurst Borough  
125 Corlies Avenue  
Allenhurst, NJ 07711

**Re: Power Station at Allenhurst, LLC  
312-324 Hume Street, Lot 1 in Block 18, Borough of Allenhurst  
Application for Certificate of Appropriateness**

Dear Ms. Gavin:

This firm represents Power Station at Allenhurst, LLC, owner of the above-referenced property located in Allenhurst Borough. The applicant hereby requests a certificate of appropriateness to permit the demolition of the existing 1-story brick warehouse building located on the subject property. We request that this application be placed on the Board's agenda at the earliest possible opportunity.

For your use in processing this application, please find the following enclosed:

1. One (1) thumb drive with a copy of each of the below submission items;
2. Letter dated April 29, 2020, with enclosures, to Joseph McGrath, requesting a zoning permit determination and impervious surface determination (in light of the current state of emergency, I have requested that Mr. McGrath forward a copy of his denial letter directly to your attention in support of this application and, as such, Items (a) and (b) on the checklist will follow under separate cover);
3. Letter dated April 22, 2020, to the Borough's tax collector, requesting a certification of taxes due (in light of the current state of emergency, I have requested that the tax collector forward the tax certification directly to your attention in support of the application);

GIORDANO, HALLERAN & CIESLA

A Professional Corporation  
ATTORNEYS-AT-LAW

April 29, 2020

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4. Three (3) copies of the Allenhurst Borough Planning Board Application;
5. Three (3) signed and sealed prints of that certain ALTA/NSPS Survey of Property dated January 12, 2018, prepared by Nelson Engineering Associates, Inc.;
6. Three (3) copies of the applicant's survey affidavit of no change; and
7. Three (3) sets of photographs of the subject property and the existing improvements thereon;
8. Check in the amount of \$50.00 representing the application fee; and
9. Check in the amount of \$300.00 representing the escrow.

A submission waiver is hereby requested for checklist items (d) and (e). The reason for the waiver is that the applicant proposes only to demolish the property's existing building for the purposes of performing certain environmental remediation. The property will be remediated and, ultimately, redeveloped. Any new structures to be built on the property would be subject to site plan review by the Allenhurst Borough Planning Board. The applicant intends to submit a future application for site plan approval consistent with the Main Street Redevelopment Plan, as may be subsequently amended, at which time items (d) and (e) will be provided.

Please review the enclosures and advise if any additional information is required in order to deem this application "complete" and ready for the Board's review. As noted above, we would appreciate if this application could be placed on the Board's agenda for its next regularly scheduled public meeting. If a special meeting for this application is appropriate, the applicant would happily participate, provided there is ample opportunity for public notice. If a special meeting is scheduled, please advise as to any additional special meeting fee and I will coordinate the submission of a separate check in the amount of that fee to be delivered with the regular application fee and escrow checks.

If there are any questions with respect to this submission, please do not hesitate to contact me. Thank you for your attention to this matter.

Very truly yours,



STEVEN P. GOUIN

GIORDANO, HALLERAN & CIESLA

A Professional Corporation  
ATTORNEYS-AT-LAW

April 29, 2020

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SPG/smf

Enclosures (Application Materials)

cc: Power Station at Allenhurst, LLC (via email w/enclosures)  
Mr. Sam Gershwin (via email w/enclosures)  
David Laughlin, Esq. (via email and regular mail w/enclosures)  
Donna Campagna, Borough Clerk (via email and regular mail w/enclosures)  
Matthew Jessup, Esq. (via email and regular mail w/enclosures)

Docs #4346927-v1

Giordano, Halleran & Ciesla, PC

Check Date: 04/29/2020 Payee: Borough Of Allenhurst

Attorney Business Account

Vendor Number: 0000107 Check Number: 000067557

Date	Invoice No.	Description	Amount of Invoice
04/29/2020		Application Fee	50.00
			50.00

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

Attorney Business Account  
TD Bank  
Tinton Falls, NJ 07701

Giordano, Halleran & Ciesla  
A Professional Corporation  
Attorneys-At-Law  
125 Half Mile Road, Suite 300  
Red Bank, NJ 07701-6777

067557

55-132/312  
23

Date
04/29/2020

Amount
*****50.00

Pay: Fifty and 00/100 Dollars

Pay To the Order of  
Borough Of Allenhurst



VOID AFTER ONE YEAR

THE BACK OF THIS DOCUMENT CONTAINS CHECK SECURITY WATERMARK AND COIN REACTIVE INK

⑈067557⑈ ⑆031201360⑆ 4259315723⑈

Giordano, Halleran & Ciesla, PC  
Check Date: 04/29/2020 Payee: Borough Of Allenhurst

Attorney Business Account  
Vendor Number: 0000107 Check Number: 000067558

Date	Invoice No.	Description	Amount of Invoice
04/29/2020		Escrow	300.00
			300.00

THE FACE OF THIS DOCUMENT HAS A COLORED BACKGROUND ON WHITE PAPER

Attorney Business Account  
TD Bank  
Tinton Falls, NJ 07701

Giordano, Halleran & Ciesla  
A Professional Corporation  
Attorneys-At-Law  
125 Half Mile Road, Suite 300  
Red Bank, NJ 07701-6777

067558

55-132/312  
23

Date
04/29/2020

Amount
*****300.00

Pay: Three Hundred and 00/100 Dollars

Pay To the Order of  
Borough Of Allenhurst



VOID AFTER ONE YEAR



THE BACK OF THIS DOCUMENT CONTAINS A SECURITY WATERMARK AND GOLD REACTIVE INK

⑈067558⑈ ⑆031201360⑆ 4259315723⑈

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FAX: (732) 224-6599

April 22, 2020

Client/Matter No. 22089/1

**VIA FEDEX & EMAIL**

Carla Tomas, Tax Collector  
Borough of Allenhurst  
125 Corlies Avenue  
Allenhurst, NJ 07711

**Re: TAX CERTIFICATION REQUEST**  
**Block 18, Lot 1**  
**Borough of Allenhurst, New Jersey**

Dear Ms. Tomas:

This firm represents Powerstation at Allenhurst, LLC with regard to an application being submitted to the Borough of Allenhurst Planning Board. Please provide a certification (see enclosed form) as to the status of the real estate taxes for above-referenced property to the Planning Board Secretary and copies to the undersigned.

Given the current circumstance of being in a state of emergency, we ask that you to email the certification to the email address stated above. Thank you.

Very truly yours,



STEVEN P. GOUIN

SPG/smf  
Enclosure

Docs #4333001-v1

**BOROUGH OF ALLENHURST  
CERTIFICATION OF PAYMENT OF TAXES**

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I, hereby certify that real estate taxes for Lot 18, Block 1, are current through  
1st, Quarter, 20 20

Deale / C. Thomas  
Tax Collector

4/23/20

(Please note: A letter or a copy of an email from Borough Hall that has been cc'd to the Planning Board Secretary will be accepted as proof of tax status. Please contact Borough Hall regarding tax balances.)

**ALLENHURST PLANNING BOARD – APPLICATION  
CERTIFICATE OF APPROPRIATENESS, MAJOR; SUBDIVISION; SITE PLAN; AND/OR VARIANCE  
ALLENHURST, NEW JERSEY  
MONMOUTH COUNTY**

MEMO TO:           APPLICANT  
FROM:             PLANNING BOARD SECRETARY  
RE:                PLANNING BOARD APPLICATION

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ALL APPLICATIONS MUST INCLUDE A ZONING PERMIT DETERMINATION AND AN IMPERVIOUS SURFACE DETERMINATION ISSUED FROM THE BOROUGH ZONING OFFICER, AS WELL AS A CERTIFICATION OF PAYMENT OF TAXES FROM THE TAX COLLECTOR, OR THE APPLICATION WILL BE DEEMED INCOMPLETE AND A HEARING WILL NOT BE SCHEDULED UNTIL SUCH DETERMINATIONS AND CERTIFICATIONS, ALONG WITH OTHER CHECKLIST AND APPLICATION ITEMS, ARE INCLUDED WITH THE APPLICATION.

Complete this application and return it to the Planning Board Secretary at the Allenhurst Borough Hall, making certain that the application Checklist is complete. Once received with all required attachments and documentation, the application may be forwarded to the Board's Professionals for review and comments. Once your application is deemed complete, you will be notified of your hearing date.

Applications are heard on a first-come, first-served basis. Only applications that have been deemed complete by the Board's Professionals can be scheduled for a public hearing on the proposal. The application will be scheduled for the next available meeting, which may not be the next month's meeting.

All property owners within 200 feet of your property must be notified according to the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 *et seq.*) at least 10 days before the hearing (not counting the hearing date), and proof of notice by Affidavit of Service must be provided according to the M.L.U.L., at least three (3) business days prior to the hearing date. A Certified List of property owners within 200 feet of your property, public utilities, and other entities to whom notice must be delivered can be obtained from the Borough Clerk's office [(732) 531-2757] for a fee of \$10.00. The original list must accompany your Affidavit of Service.

If Notice is made by Certified Mail, all certified mail receipts must be provided to the Board Secretary at least three (3) business days prior to your hearing. If Return Receipts are requested, those received shall also be provided to the Board Secretary at the same time. These materials are required to be submitted as proof of notice, and are required for the Planning Board to have jurisdiction to hear the application at a public meeting of the Board.

When a hearing date is scheduled, Notice of the hearing must also be published in the Borough's official newspaper at least 10 days before the hearing (not counting the hearing date). The Borough's official newspapers are the Coaster, which publishes weekly, on Thursdays, and the Asbury Park Press, which publishes daily. Obtain an Affidavit of Publication from the newspaper, and provide the original to the Board Secretary at least three (3) business days prior to the hearing date.

Affidavits of Service or Affidavits of Publication not received at least three (3) business days prior to your hearing date may require your hearing to be rescheduled. If you have any questions or concerns, please feel free to contact the Planning Board Secretary by email at [planningboard@allenhurstnj.org](mailto:planningboard@allenhurstnj.org).



**INSTRUCTIONS FOR APPLICATIONS FOR A CERTIFICATE OF APPROPRIATENESS, MAJOR; SUBDIVISION,  
SITE PLAN AND/OR VARIANCE APPLICATION  
TO THE  
ALLENHURST PLANNING BOARD**

In order to apply for a Certificate of Appropriateness, Major, Subdivision, Site Plan, and/or Variance to the Allenhurst Planning Board, all Applicants must first submit a Zoning Permit and Impervious Surface Determination Application to the Zoning Officer and obtain a Determination from the Zoning officer on the Borough's forms. These forms are available at the Borough Hall, or may be found on the Borough's web site. The Zoning Officer's Determinations shall be included with the Application submission, and before the application is deemed complete, that Applicant must answer all sections in the application packet and provide a complete Completeness Checklist. The Applicant must also pay the required Administrative Fees and Professional Review Escrow Fees to the Borough in separate checks or money order. The Allenhurst Development Fees Ordinance (chapter 26-8.1, as may be revised), is attached, which explains the details regarding administrative fees and professional review escrow fees. Please pay special attention to subsection b on *initial escrow deposits* and subsection c on *additional escrow funds*.

All sections of the Application and Checklist must be completed, and submitted with all required supporting documents and Application and Escrow Fees before being deemed complete. If a particular section does not apply to your property or Application, write "N/A" on that section of the Application document. The Board, through its administrative officer or Professionals, will advise the Applicant as to whether the Application, Checklist, and associated plans are, in fact, complete, and will advise the Applicant of the specific hearing date to appear before the Allenhurst Planning Board.

At the hearing before the Planning Board, Applicants have the obligation to prove to the Planning Board that they are legally entitled to the relief requested from the strict application of the Land Development Ordinance, Historic Preservation Ordinance, or other Ordinance applicable to the application. Applicants must meet their burden of proof, as required by the provisions of the Municipal Land Use Law, *N.J.S.A. 40:55d-70 et seq. seq.* The Planning Board Members, Secretary, or Board Professionals cannot provide legal advice about what will, or will not, satisfy the burden of proofs.

If approval is granted, a Resolution of the Decision will be approved by the Board, usually at the next available Planning Board Meeting, which will be provided to the Applicant. The Applicant must publish a Notice of Decision in accordance with the requirements of the Planning Board and the Municipal Land Use Law and Borough Ordinances. Any member of the public may appeal from the decision of the Board within forty-five (45) days from the date the Notice of Decision is published.

If an Application is denied, the Board Secretary will publish the Notice of Decision, and deduct the cost for publication from the Applicant's Escrow Account.

Before an Applicant can obtain Construction Permits, the Applicant must (a) submit final plans to the Board that complies with the conditions of any Resolution Granting the Application; (b) provide the Board Secretary with proof of publishing the Notice of Decision with an Affidavit of Publication issued by

Rev 7/18/2018

the Borough's official newspaper; (c) Satisfy any and all conditions of approval; and (d) pay all outstanding escrow fees, taxes and/or municipal utility charges or property taxes that may be outstanding. The Construction Official may not issue construction permits until (a) the Board Secretary or Board's Professional certifies that all application and escrow fees have been satisfied; (b) the final, approved plans are signed by the Board; (c) a Statement of Compliance is issued by the Board Secretary and/or the Board's professionals, as may be necessary or required; and (d) signed plans and Board Certifications are delivered to the Construction Official. Construction Plans that conform with the Borough of Allenhurst Building Code must also be submitted to the Construction Official, and approved by the Construction Official before permits can issue, or construction can commence. Construction must begin within one year of the granting of the Certificate of Appropriateness, Major and/or Variance(s), subject to an applicant's right to request extensions pursuant to the Municipal Land Use Law and/or Borough's Ordinances.

In certain instances a construction permit may not be required, but a Zoning Permit and/or Impervious Surface Determination, and a Certificate of Appropriateness (Minor or Major), are still required when the construction modifies the buildings or structures in any way (i.e. in the instance of siding, roof or window replacement). In those cases, any and all construction work may still not commence until the applicant has received an approved Zoning Permit and/or Impervious Surface Determination, as well as a Certificate of Appropriateness-Minor or Certificate of Appropriateness-Major, and the Applicant's plans have been approved by, and signed by, the Borough of Allenhurst Planning Board.

Finally, please be aware there is a construction moratorium in the Borough of Allenhurst from June 30 through Labor Day, and only emergency work will be granted a waiver from this provision in the Borough's Ordinances.

**BOROUGH OF ALLENHURST  
PLANNING BOARD APPLICATION  
(Certificate of Appropriateness – Major;  
Subdivision; Site Plan; and/or Variance)**

Date Filed: April 22, 2020

To the Allenhurst Planning Board:

An Appeal and/or Application is hereby made to the Borough of Allenhurst Planning Board for decision pursuant to the Historic Preservation Ordinance, Historic Design Guidelines; relief from the Land Development Ordinance; and/or an Appeal from a Decision of the Zoning Officer, for the following:

(Check all that Apply):

- Certificate of Appropriateness, Major
- Variance relief (hardship) N.J.S.A. 40:55D-70 (c)(1)
- Variance relief (substantial benefit) N.J.S.A. 40:55D-70(c)(2)
- Variance relief (use) N.J.S.A. 40:50D-70(d)
- Site Plan
- Subdivision
  - Minor
  - Major
- Appeal from Decision of the Zoning Officer
- Other

If an Appeal from Decision of the Zoning Officer, the Appeal is based on the decision rendered by the Zoning Officer on \_\_\_\_\_, 20\_\_\_\_, a copy of which is attached hereto.

**DESCRIPTION OF PROPOSED STRUCTURE OR USE**

The PREMISES AFFECTED are known as Lot No. 1, Block No. 18 on the Tax Map of the Borough of Allenhurst, located at: 315 Hume Street, Allenhurst, NJ.

**Applicant:** Power Station at Allenhurst, LLC

**Address:** 1000 Sanger Avenue  
Oceanport, NJ 07757

**Email:** michael@tetherview.com **Phone:** 917-922-4471

**Owner:** Power Station at Allenhurst, LLC

**Address:** 1000 Sanger Avenue  
Oceanport, NJ07757

**Email:** michael@tetherview.com **Phone:** 917-922-4471

**Applicant's Attorney:** Steven P. Gouin, Esq.

**Address:** Giordano, Halleran & Ciesla, PC

125 Half Mile Road, Suite 300, Red Bank, NJ 07701

**Email:** sgouin@ghclaw.com **Phone:** 732-741-3900

Note: All business entities, except some partnerships, must be accompanied by an Attorney. Also, an Attorney must represent the Applicant if the Applicant will not appear at the public hearing. Applicants may not be represented by any other person or professional on their behalf if they are not attending the hearing.

**Architect:** Daniel Condatore

**Address:** MODE Architects

619 Lake Avenue, 3rd Floor, Asbury Park, NJ

**Email:** dcondatore@mode-arch.com **Phone:** 732-800-1958

**Engineer/Surveyor:** Robert H. Morris, P.L.S.

**Address:** Nelson Engineering Associates, Inc.

1750 Bloomsbury Avenue, Ocean, NJ 07712

**Email:** nelson@nelsoneng.net **Phone:** 732-918-2180

Request is hereby made for permission to (Circle All that Apply) demolish, erect, alter, convert, use and/or other relief on/for the property as follows: The applicant seeks a certificate of appropriateness to permit the demolition of the existing 1-story brick warehouse building located on the subject property. The property is subject to the Main Street Redevelopment Plan dated November 2007 prepared by Heyer & Gruel. The property was formerly owned by JCP&L. Since being acquired by the applicant, the property and building have remained vacant. The applicant must demolish the building in order to proceed with certain required environmental remediation. The property is intended to be remediated and then redeveloped consistent with the Main Street Redevelopment plan, as may be subsequently amended.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Attach Additional Sheets if Necessary)

**PROPERTY INFORMATION:**

Address 315 Hume Street  
Lot 1 Block 18 Zone: C-2 9subject to Main Street Redevelopment Plan  
Size of lot 95,257 sq. ft. Front 386.79 ft. Depth 276.17 ft. Width 305.99 ft.  
Present Use vacant (former commercial/industrial warehouse) (Add Additional Sheets if Necessary)  
Proposed Use no change (subject to future redevelopment that is consistent with the Main Street Redevelopment Plan as may be subsequently amended) (Add Additional Sheets if Necessary)

**PRINCIPAL DWELLING INFORMATION:**

Size of Building: Existing ~38,000 s.f. Proposed\* entire building to be demolished  
Height of Building: Existing 1-story Proposed\* entire building to be demolished  
# of Stories (include ½): Existing 1 Proposed\* n/a  
Front Yard: Setback: Existing ~0 Proposed\* n/a  
Front yard #2 (corner lots): Existing 54.8 Proposed\* n/a  
"Prevailing front set-back" of adjoining buildings within block: n/a ft.  
% of existing green space: Existing ~5% Proposed\* no change  
Rear setback: Existing 23.8 ft. Proposed\* n/a ft.  
Building Height at rear setback: Existing 1-story ft. Proposed\* n/a ft.  
Side setback: Existing 84.5 ft. Proposed\* n/a ft.  
Building Height at side setback: Existing 1-story ft. Proposed\* n/a ft.  
Combined side setback: Existing 139.3 ft. Proposed\* n/a ft.  
Building Coverage (%): Existing ~40% % Proposed n/a %  
Impervious surface coverage (%): Existing ~95 % Proposed ~95 %  
On-site parking: # of bedrooms: n/a # of parking spaces: n/a

**BUILDING PROJECTION INTO YARDS:**

Chimney projection: Rear n/a ft. Side n/a ft. Front n/a ft.  
Porch projection: Rear n/a ft. Side n/a ft. Front n/a ft.  
Other Projections: Rear n/a ft. Side n/a ft. Front+ n/a ft.

**ACCESSORY STRUCTURES - GARAGE:** n/a

Garage (# spaces for automobile storage): Existing \_\_\_\_\_ ft. Proposed\* \_\_\_\_\_ ft.

Garage (% coverage of rear yard): Existing \_\_\_\_\_ % Proposed\* \_\_\_\_\_ %

Garage (side setback): Existing \_\_\_\_\_ ft. Proposed\* \_\_\_\_\_ ft.

Garage (rear setback): Existing \_\_\_\_\_ ft. Proposed\* \_\_\_\_\_ ft.

Garage: Width \_\_\_\_\_ ft. Depth: \_\_\_\_\_ ft. Door width: \_\_\_\_\_ ft.

**ACCESSORY STRUCTURES - POOL:** n/a

Front setback: \_\_\_\_\_ ft. Side setback \_\_\_\_\_ ft. Rear setback \_\_\_\_\_ ft.

Setback(s) from Principal Dwelling: \_\_\_\_\_ ft. Height above Grade: \_\_\_\_\_ ft.

Setbacks from Accessory Structures: Structure (i.e. Garage) \_\_\_\_\_ Setback: \_\_\_\_\_ ft.

Structure (i.e. Shed) \_\_\_\_\_ Setback: \_\_\_\_\_ ft.

Structure (other) \_\_\_\_\_ Setback: \_\_\_\_\_ ft.

**OTHER ACCESSORY STRUCTURE:** Describe Structure: \_\_\_\_\_ n/a

Side setback: Existing \_\_\_\_\_ ft. Proposed\* \_\_\_\_\_ ft.

Rear setback: Existing \_\_\_\_\_ ft. Proposed\* \_\_\_\_\_ ft.

Width \_\_\_\_\_ ft. Depth: \_\_\_\_\_ ft. Door width: \_\_\_\_\_ ft.

Height of Building: Existing \_\_\_\_\_ Proposed\* \_\_\_\_\_

Stories: Existing \_\_\_\_\_ Proposed\* \_\_\_\_\_

*(Add Page for Each Structure)*

Driveway width: Existing n/a ft. Proposed\* n/a ft.

***\*\*Proposed\*\* shall mean changes relating to the new structure(s)/improvements proposed only***

Has there been any previous appeal/Applications involving these premises? Yes \_\_\_\_\_ No X

If so, state character of appeal/Application(s) and date of disposition: n/a

Describe any deed restrictions affecting the property: n/a

(ADD ADDITIONAL PAGES AS NECESSARY)

**APPLICATIONS THAT REQUEST  
CERTIFICATE OF APPROPRIATENESS, MAJOR**

**DEMOLITION** of building or portions of building, including, but not limited to roofs of houses roofs of garages or other historic buildings, roofs of dormers, roofs of Porte-cochere, roofs of towers, roofs of balconies, parapets, pediments, porch roofs, or the frame of non-linear, oval or Palladian windows. For Certificates of Appropriateness, Major, Notice is required to be delivered.

DESCRIBE PLANS FOR DEMOLITION, REASONS FOR RELIEF, AND DETAILS REQUIRED PURSUANT TO THE BOROUGH'S HISTORIC PRESERVATION ORDINANCE, 26:11.1 ET SEQ. & THE BOROUGH HISTORIC PRESERVATION GUIDELINES

\_\_\_\_\_  
See request for relief stated above.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**MAJOR ALTERATION** - The addition, change or modification of major architectural elements to a building, which effects the design, shape, pitch or existence of the roof including, but not limited to, main roofs, dormers, roofs of bay or cantilevered windows, pediments, parapets, towers, porches, cupolas, Porte Cocheres and balconies, as well as alterations, including demolition of non-linear (e.g. oval, Palladian, etc.) window frame outlines. Major alterations would additionally include changes by additions or complete conversion or alteration of the traditional predominant substance, texture or finish of a building (e.g. changing from wood to stucco, stucco to brick), and changes by additions or complete conversion or alteration of columns and railings on any exterior elevation. Notice is required.

\_\_\_\_\_ - Alteration \_\_\_\_\_ - Addition \_\_\_\_\_ - New Construction

PROVIDE A DESCRIPTION OF THE PROPOSED ALTERATIONS, ADDITIONS AND/OR NEW CONSTRUCTION, PROVIDING SUFFICIENT DETAILS AS REQUIRED IN THE BOROUGH'S HISTORIC PRESERVATION ORDINANCES AND THE BOROUGH HISTORIC DESIGN GUIDELINES AND REASONS FOR RELIEF OR DECISION IN FAVOR OF THE APPLICATION

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**APPLICATIONS WITH VARIANCE RELIEF REQUESTED:**

Provide a statement of facts and legal argument why relief should be granted pursuant to N.J.S.A.

40:55D-70: n/a

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(Attach additional sheets if more space is needed.)

Names and addresses of all expert witnesses proposed to be used:

Dan Condatore, MODE Architects (contact information above)

Sam Gershwin, smgershwin@gmail.com, 201-919-6963

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(Attach additional sheets if more space is needed.)

ATTACHED HERETO AND MADE PART HEREOF, I SUBMIT THE FOLLOWING:

- (a) Copy of initial Zoning Permit Application and decision of Zoning Officer.
- (b) Copy of Impervious Surface Determination Application and Decision of Zoning Officer.
- (c) Sealed Survey, prepared to scale, of the property showing all existing structures and improvements, and indicating the relationship of the existing structures with adjoining properties and structures (If the Survey older than six (6) months, a Survey Affidavit of No Change affirmed by the owner must be submitted).
- (d) Plot Plan(s) (Residential Properties), Site Plan(s) (Commercial Properties), and/or Subdivision Plan prepared by a licensed surveyor, engineer, or architect, prepared to scale, showing all existing and proposed structures and improvements, as well as the relationship of existing and proposed structures with adjoining properties and structures.
- (e) Architectural drawings (Scaled to not less than .25"= 1') of the existing and proposed buildings and structures, which shall sufficiently identify all changes, alterations or additions proposed.  

**These drawings shall be sufficiently specific and dimensioned to clearly show the nature of the work proposed, and to address the Historic Preservation Ordinance and Design Guidelines. For residential applications, it is recommended that such drawings be prepared, signed and sealed by an Architect licensed in the State of New Jersey, though not mandatory. For non-residential applications, drawings MUST be prepared by a New Jersey licensed Architect. If the application is granted, plans submitted for construction permits must also be prepared to conform to all requirements for building/construction permits.**
- (f) Photographs of land and all exterior sides of the buildings involved in the application;
- (g) Submitted disk or thumb drive containing scanned copies of the Zoning Permit w/ Zoning Determination/Denial; Impervious Surface Determination/Denial; Certificate of Appropriateness and/or Variance Application; Survey, Plot Plan and/or Site Plan; Architectural drawings; and Photographs.
- (h) Application and Escrow Fees
- (i) Proof of payment of all taxes due and owing on premises;



**BOROUGH OF ALLENHURST  
CERTIFICATION OF PAYMENT OF TAXES**

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I, hereby certify that real estate taxes for Lot \_\_\_\_\_, Block \_\_\_\_\_, are current through \_\_\_\_\_, Quarter, 20\_\_\_\_\_.

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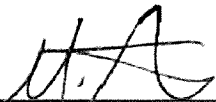
Tax Collector

(Please note: A letter or a copy of an email from Borough Hall that has been cc'd to the Planning Board Secretary will be accepted as proof of tax status. Please contact Borough Hall regarding tax balances.)


**AFFIDAVIT OF APPLICANT**

STATE OF New Jersey :  
SS:  
COUNTY OF Monmouth :

Michael Abboud, Managing Member of Power Station at Allenhurst, LLC of full age, being duly sworn according to law, on oath deposes and says that all of the above statements and the statements contained in the papers submitted herewith are true, and that the Applicant(s), pursuant to "Instructions For Certificate of Appropriateness, Major and/or Variance Application to the Allenhurst Planning Board," shall be prepared at the Public Hearing to be conducted by the Allenhurst Planning Board to prove to the Planning Board that the Applicant(s) is/are entitled to the relief requested for a Certificate of Appropriateness; for Variance(s) from the strict application of Borough's Land Development Ordinance; and/or an Appeal of a Decision by the Zoning Officer, pursuant to the Land Use and Development Ordinances of the Borough of Allenhurst, the Historic Preservation Ordinance of the Borough of Allenhurst, the Historic Preservation Guidelines, and/or the New Jersey Municipal Land Use Law. Applicant shall be prepared to demonstrate that they meet the burden of proof as required by the provisions of the Municipal Land Use Law, N.J.S.A. 40:55D-70.

  
\_\_\_\_\_  
(Applicant Sign Here)

Sworn to and subscribed  
Before me this 22nd day  
of April, 2020.

  
\_\_\_\_\_  
A Notary Public or an Attorney at Law of the State of New Jersey



**BOROUGH OF ALLENHURST**  
**Escrow Agreement**

I/we fully understand an "Escrow Account" will be established to cover the costs of the professional services which may include engineering, legal, planning, architectural and any other expenses incurred in connection with the review of this application before the Allenhurst Planning Board. The amount of the Escrow Deposit will be determined by the Borough of Allenhurst Land Development Ordinance, Section 26-8.1, as may be amended.

It is the policy of the Borough of Allenhurst that once an Escrow Account falls below 24% of the original deposit amount, the account must be replenished to its original amount. The only exception would be when the application is nearing completion. Applicants will be notified of any anticipated charges and the amount of the deposit, or additional deposit, required.

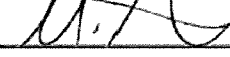
Payments shall be due within fifteen [15] days of receipt of the request for additional Escrow Funds. If payment is not received within that time, Applicant will be considered to be in default, and such default may jeopardize appearance before the Board or hold up any and all pending approvals and building permits. Continued refusal will result in legal action against the property.

Also in accordance with N.J.S.A. 40:55D-53.1, all unused portion of the escrow account will be refunded upon written request from the applicant, and verification by the board's professionals who reviewed the application.

By signature below, I/we acknowledge that we have reviewed the Borough of Allenhurst Land Development Ordinance Section 26-8.1 for Application and Escrow Fees, and agree to all conditions and obligations.

Name of Applicant: Power Station at Allenhurst, LLC  
[Print Name]

Property Address: 315 Hume Street Block 18 Lot 1

Owner's Name: Michael Abboud, Managing Member   
[Print Name] [Signature of Owner]

Owner's Name: \_\_\_\_\_  
[Print Name] [Signature of Owner]

Date: April 22, 2020

**BOROUGH OF ALLENHURST  
CERTIFICATION OF ADMINISTRATIVE FEE AND INITIAL ESCROW DEPOSIT,  
AND VERIFICATION OF OWNERSHIP**

I, the Borough of Allenhurst Planning Board Secretary, do hereby certify that the Administrative fee of \$ \_\_\_\_\_ and Initial Escrow Deposit of \$ \_\_\_\_\_ has been paid on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Further, I have verified that the Applicant and the owner are the same, or that the Owner has provided written authorization for the Applicant to submit this Application for the property.

PROPERTY ADDRESS: \_\_\_\_\_

BLOCK \_\_\_\_\_, LOT \_\_\_\_\_, BOROUGH OF ALLENHURST, NJ

\_\_\_\_\_  
Planning Board Secretary

**BOROUGH OF ALLENHURST PLANNING BOARD  
CERTIFICATION OF COMPLETE APPLICATION AND CERTIFICATION  
THAT HARD COPIES OF SURVEY, PLANS, ETC. AND THE DISK/THUMB DRIVE  
CONTENTS HAVE BEEN DELIVERED TO, AND EMAILED TO, THE PLANNING BOARD SECRETARY**

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TO: \_\_\_\_\_  
\_\_\_\_\_

TAKE NOTICE that on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, it was determined that all check list items are in order, the application is complete, and the Planning Board Secretary has received the required hard copies of survey(s), Plan(s), etc., and a disk/thumb drive of the Application contents have been delivered to, and emailed to, the Planning Board Secretary. The time within which the Board must act on the application pursuant to N.J.S.A. 40:55D-1 et seq., has commenced to run from this date. Your scheduled hearing date is \_\_\_\_\_, 20\_\_\_\_ at 7:30 P.M. at Borough Hall, 125 Corlies Avenue, New Jersey.

If any changes are made to the plans before the hearing date, all such changes must be delivered to the Board Secretary at least ten (10) days prior to the hearing date. You must also provide a list of all Exhibits and Witnesses at least ten (10) days prior to the hearing date. Further, you must give notice according to the New Jersey Municipal Land Use Law, and an Affidavit of Service and an Affidavit of Publication must be submitted to the Board Secretary at least three (3) business days prior to the hearing date. Failure to comply with these instruction may result in the Board rescheduling your hearing.

\_\_\_\_\_  
Planning Board Secretary/Engineer

**Please note: This is not a form to be submitted with your application, but is a sample notice you may receive when the application is deemed complete.**

**BOROUGH OF ALLENHURST  
PUBLIC NOTICE IN BOROUGH'S OFFICIAL NEWSPAPER  
(SAMPLE ONLY)**

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PUBLIC NOTICE is hereby given that \_\_\_\_\_  
has made an application to the Allenhurst Planning Board for a Certificate of Appropriateness, Major  
and/or Variance [INCLUDE ALL THAT APPLY] to permit:

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[Specific Detail of the Application and Relief Requested is required for M.L.U.L. Compliance]

In the \_\_\_\_\_ Zone on the premises designated as Block \_\_\_\_\_, Lot(s) \_\_\_\_\_ on the  
Borough of Allenhurst Tax Map, and also known as \_\_\_\_\_,  
[Street address], Allenhurst, NJ 07711.

A PUBLIC HEARING will be held at the Allenhurst Borough Hall, 125 Corlies Avenue, 2<sup>nd</sup> Floor,  
Allenhurst on the \_\_\_\_\_ [DAY] of \_\_\_\_\_ [MONTH], \_\_\_\_\_ [YEAR] at 7:30 P.M.

Documents and plans filed by the Applicant are available for inspection during regular business  
hours at Borough Hall, 125 Corlies Avenue Allenhurst, NJ.

\_\_\_\_\_  
[Name of Applicant]

**[Note: Publication of the above Notice shall be arranged by the Applicant in The Coaster, Asbury Park  
Press or other Official Newspaper of the Borough of Allenhurst. Said Notice to be published NO LATER  
than ten (10) days prior to the hearing date (not counting the day of the hearing.)]**

**(PLEASE NOTE: THIS IS AN EXAMPLE OF THE NOTICE FORMAT ONLY, AND MAY NOT BE RELIED UPON  
BY THE APPLICANT TO COMPLY WITH THE NOTICE REQUIREMENTS UNDER THE NEW JERSEY LAND USE  
LAW. IT IS ADVISED THAT YOU SEEK LEGAL COUNCIL REGARDING NOTICE REQUIREMENTS).**

**BOROUGH OF ALLENHURST  
NOTICE TO PROPERTY OWNERS (SAMPLE ONLY)**

TO: \_\_\_\_\_  
\_\_\_\_\_

(Address)

PLEASE TAKE NOTICE:

The undersigned has appealed to the Planning Board of the Borough of Allenhurst for a Certificate of Appropriateness, Major and/or Variance from the terms of Section(s) of the Zoning Ordinance so as to permit:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

[Specific Detail of the Application and Relief Requested is required for M.L.U.L. Compliance]

On the premises at [Lot]\_\_\_\_\_ [Block]\_\_\_\_\_ on the Tax Map of the Borough of Allenhurst, and also known as [Address]\_\_\_\_\_, Allenhurst, NJ 07711, which is within 200 feet of the property owned by you, or you have some other interest in the application. A hearing will be held by the Borough of Allenhurst Planning Board on [Day]\_\_\_\_\_ [Date] \_\_\_\_\_, 20\_\_ at 7:30 P.M. in the Borough Hall, 125 Corlies Avenue, Allenhurst, New Jersey, at which time you may appear either in person or by attorney, and present any comments or objections which you may have to the Application.

This notice is sent to you by the Applicant, by order of the Planning Board. Documents and plans filed by the Applicant are available for inspection during regular business hours at the Borough Hall, 125 Corlies Avenue, Allenhurst, New Jersey 07711.

Respectfully,

\_\_\_\_\_  
[Name of Applicant]

Date mailed: \_\_\_\_\_

**(PLEASE NOTE: THIS IS AN EXAMPLE OF THE NOTICE FORMAT ONLY, AND MAY NOT BE RELIED UPON BY THE APPLICANT TO COMPLY WITH THE NOTICE REQUIREMENTS UNDER THE NEW JERSEY LAND USE LAW. IT IS ADVISED THAT YOU SEEK LEGAL COUNCIL REGARDING NOTICE REQUIREMENTS).**





**DRAFT**  
**SURVEY AFFIDAVIT**

STATE OF NEW JERSEY:

SS

COUNTY OF MONMOUTH

**MICHAEL ABBOUD** of full age, duly sworn according to law, upon his oath, depose(s) and say(s):

1. I am the managing member of **Power Station at Allenhurst, LLC**, a New Jersey limited liability company (the "LLC").

2. The LLC is the present owner of the premises known as 312-324 Hume Street, Allenhurst, Monmouth County, New Jersey, identified as Block 18, Lot 1 on the Tax Map Borough of Allenhurst.

3. I have examined the ALTA/NSPS Survey of the above premises prepared by Nelson Engineering Associates, Inc., dated January 12, 2018.

4. On April 27, 2020, I made a careful examination and inspection of said premises and found no changes in the lines of the property or in the buildings, fences, and other improvements shown on the aforesaid survey, and no buildings, fences or other improvements constructed on adjoining premises since the date of said survey.

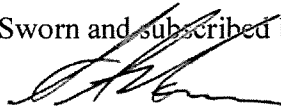
4. There are no party walls, joint stairways, driveways or easements on or across said premises, exclusive of utility lines which serve said premises only.

This Affidavit is made to induce Allenhurst Borough Planning Board to issue a Certificate Appropriateness in connection with the LLC's Planning Board Application covering the above described premises, in substitution of a current survey.

**Power Station at Allenhurst, LLC**

  
\_\_\_\_\_  
Michael Abboud, Managing Member

Sworn and subscribed before me this 27th day of April, 2020.



Steven P. Gouin, Esq.

Attorney at Law, State of New Jersey





315 Home St  
Allenhurst, New Jersey



Street View



Google

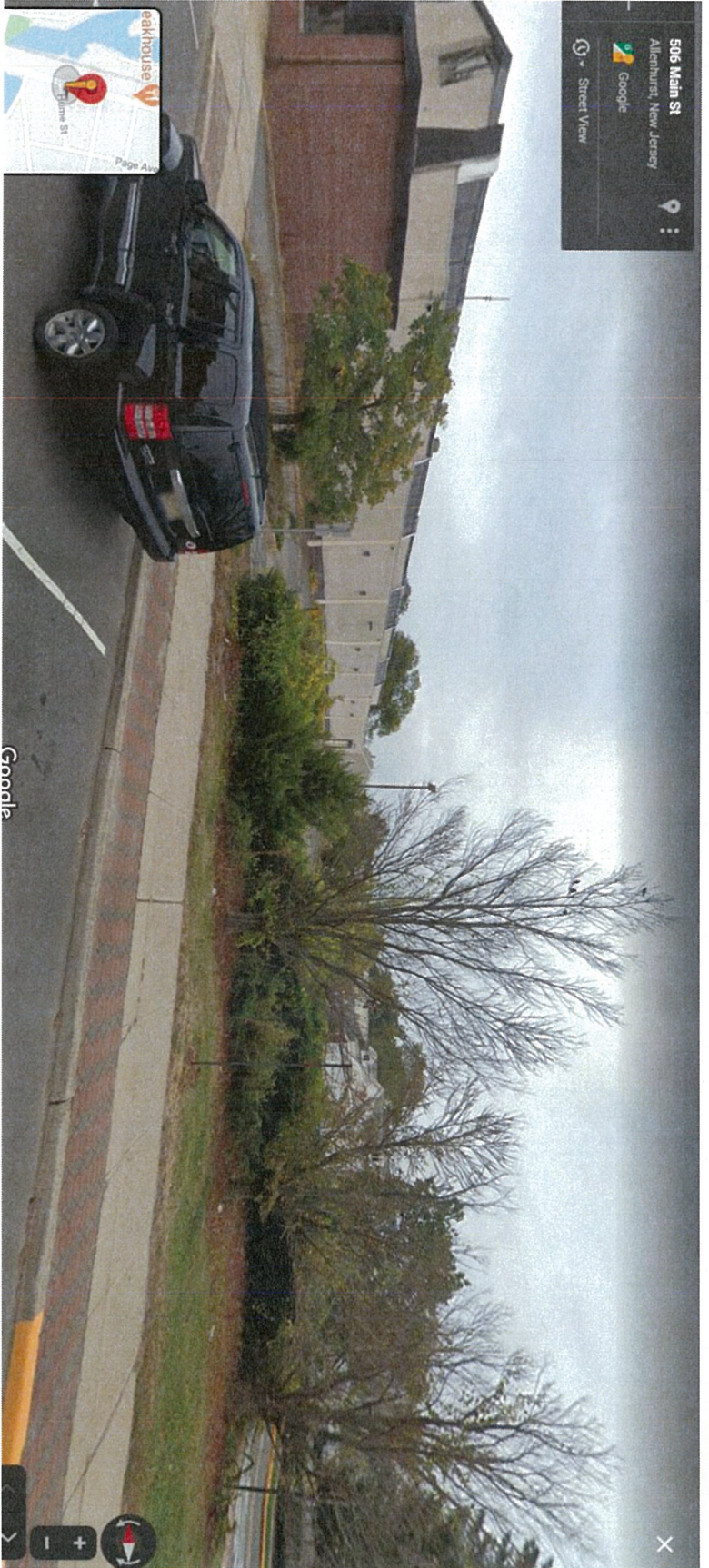






Google

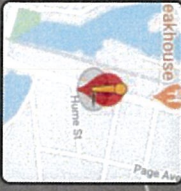








523 Main St  
Allentown, New Jersey  
Google  
Street View



Google







500 Main St  
Allenhurst, New Jersey  
Google  
Street View

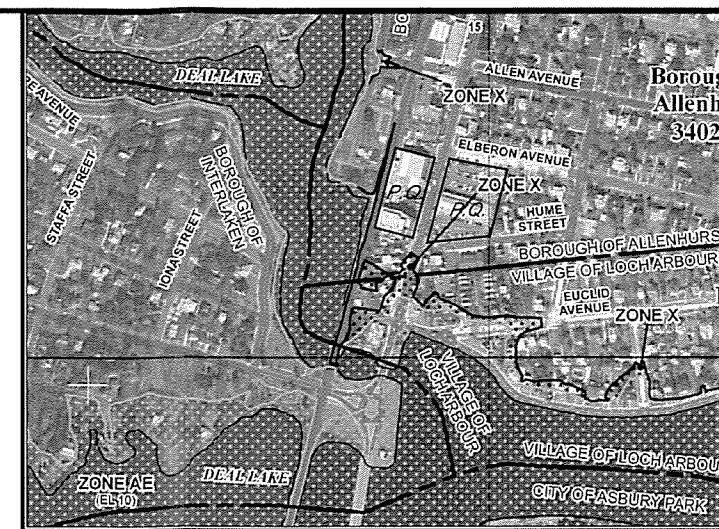
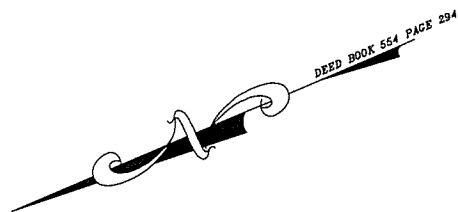






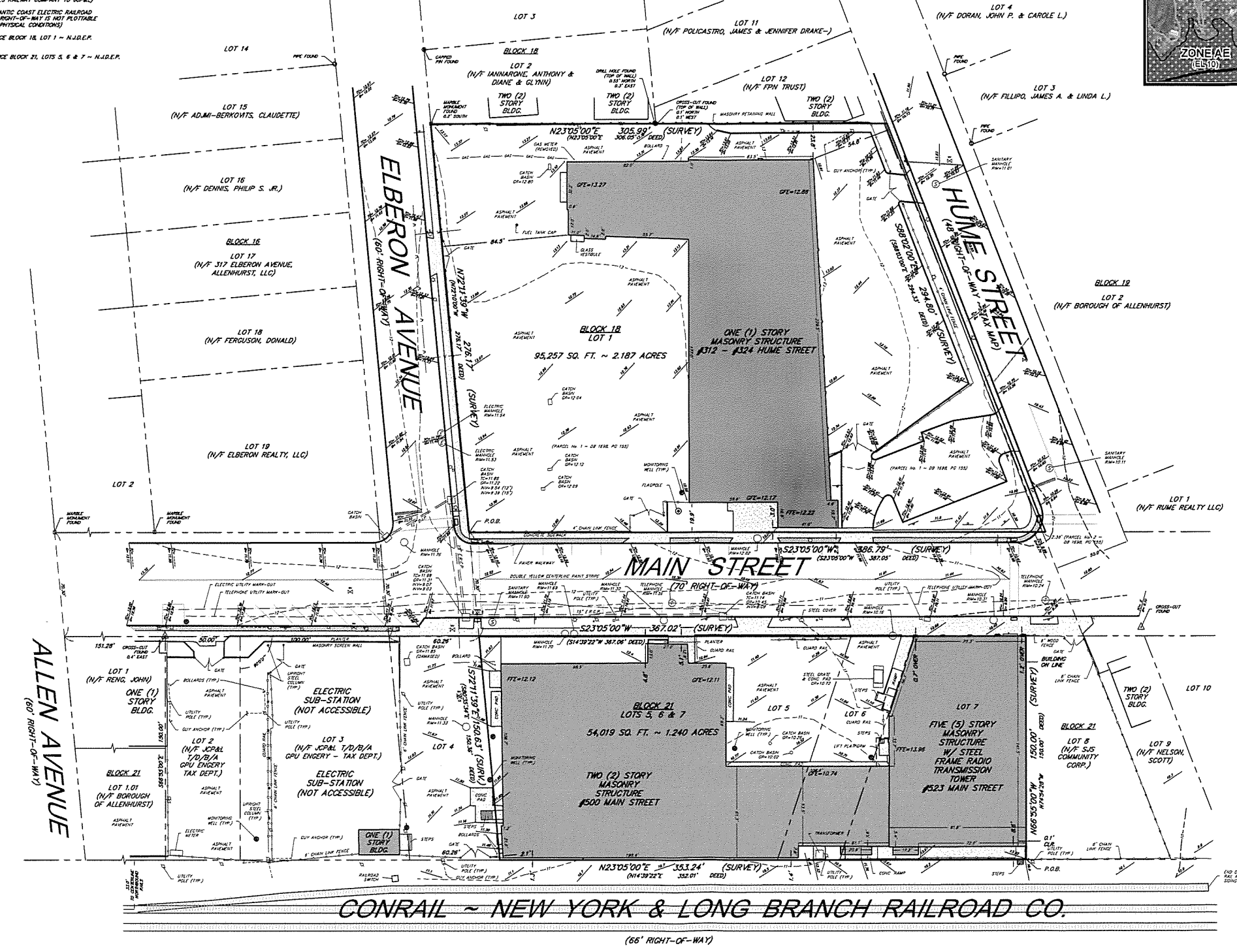
**REFERENCES:**

- BOROUGH OF ALLENHURST TAX MAP SHEET No. 3
- TRENT ABSTRACT TITLE AGENCY, LLC COMMITMENT FOR TITLE INSURANCE # TA-134822 FOR THE PREMISES LOCATED AT 312 HOME STREET AND 303 & 323 MAIN STREET IN ALLENHURST, NJ 07711, ISSUED JOPAL TO KONGER STATION AT ALLENHURST, LLC DATED NOVEMBER 21, 2017.
- TRENT ABSTRACT TITLE AGENCY, LLC COMMITMENT FOR TITLE INSURANCE # TA-134868 FOR THE PREMISES LOCATED AT 312-324 HOME STREET IN ALLENHURST, NJ 07711, ISSUED TO JOPAL TO TBA DATED SEPTEMBER 8, 2017.
- TRENT ABSTRACT TITLE AGENCY, LLC COMMITMENT FOR TITLE INSURANCE # TA-134889-1 FOR THE PREMISES LOCATED AT 303 AND 323 STREET IN ALLENHURST, NJ 07711, ISSUED TO JOPAL TO TBA DATED SEPTEMBER 8, 2017.
- FILED MAP CASE # 1-16, FILED IN THE MONMOUTH COUNTY CLERK'S OFFICE ON MARCH 4, 1897.
- DEED BOOK 5576 PAGE 28. (BLOCK 21, LOT 9)
- DEED BOOK 8639 PAGE 2786. (BLOCK 18, LOT 12)
- DEED BOOK 8650 PAGE 3681. (BLOCK 18, LOT 12)
- DEED BOOK 8968 PAGE 6671. (BLOCK 21, LOT 8)
- DEED BOOK 9028 PAGE 7975. (BLOCK 21, LOT 8)
- DEED BOOK 9047 PAGE 5919. (BLOCK 18, LOT 2)
- DEED BOOK 9053 PAGE 5321. (BLOCK 21, LOT 10)
- DEED BOOK 1564 PAGE 136. (1831 - EASTERN NEW JERSEY POWER CO. TO JOPAL)
- DEED BOOK 2513 PAGE 451. (1854 - COBERT TO JOPAL)
- DEED BOOK 1686 PAGE 153. (1835 - COAST CITIES RAILWAY COMPANY TO JOPAL)
- DEED BOOK 554 PAGE 294. (1895 ALLEN TO ATLANTIC COAST ELECTRIC RAILROAD TOGETHER WITH 70 FEET WIDE RIGHT-OF-WAY, RIGHT-OF-WAY IS NOT PLOTTABLE AND IS NO LONGER PRESENT DUE TO EXISTING PHYSICAL CONDITIONS)
- DEED BOOK 9188 PAGE 4781 (2016 - DEED NOTICE BLOCK 18, LOT 1 - N.J.D.E.P. PROGRAM INTEREST NUMBER 002881)
- DEED BOOK 9237 PAGE 2672 (2017 - DEED NOTICE BLOCK 21, LOTS 5 & 6 & 7 - N.J.D.E.P. PROGRAM INTEREST NUMBER 002881)

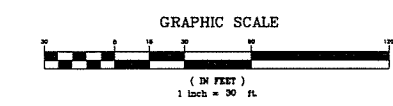


F.E.M.A. - Flood Insurance Rate Map  
Map # 34025C0332F  
Effective Date: September 25, 2009  
Flood Zone 'X'

- LEGEND**
- UTILITY POLE
  - GUY WIRE
  - LIGHT POLE
  - FIRE HYDRANT
  - WATER VALVE
  - GAS VALVE
  - SIGN
  - SEWER MANHOLE
  - SPOT ELEVATION
  - TELEPHONE MANHOLE
  - DRAINAGE MANHOLE
  - CATCH BASIN



- NOTES:**
- I CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS MAP OR PLAN IS THE RESULT OF A FIELD SURVEY MADE ON DECEMBER 29, 2017 BY ME OR UNDER MY DIRECT SUPERVISION IN ACCORDANCE WITH THE RULES AND REGULATIONS PROMULGATED BY THE STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
  - THE INFORMATION SHOWN HEREON CORRECTLY REPRESENTS THE CONDITIONS FOUND AT, AND AS OF THE DATE OF THE FIELD SURVEY, EXCEPT SUCH IMPROVEMENTS OR EASEMENTS, IF ANY, BELOW THE SURFACE AND NOT VISIBLE.
  - THIS CERTIFICATION IS GIVEN SOLELY TO THE NAMED PARTIES HEREON EXCEPT AS FOLLOWS:
    - TO THE HOLDER SO THAT IT MAY INSURE TITLE TO THE PREMISES SHOWN HEREON.
    - TO THE MORTGAGE HOLDER, THE CERTIFICATION SHALL SURVIVE TO ITS SUCCESSORS OR ASSIGNS.
  - NO ATTEMPT WAS MADE TO DETERMINE IF ANY PORTION OF THE PROPERTY IS CLAIMED BY THE STATE OF NEW JERSEY AS TIDELANDS, ENVIRONMENTALLY SENSITIVE AREAS IF ANY ARE NOT LOCATED BY THIS SURVEY.
  - THIS SURVEY DOES NOT DETERMINE THE EXISTENCE, NONEXISTENCE OR LOCATION OF FRESHWATER WETLANDS.
  - THIS SURVEY DOES NOT DETERMINE THE EXISTENCE, NONEXISTENCE OR LOCATION OF SUBSURFACE CONTAMINANTS.
  - A WRITTEN WAIVER AND DECLARATION NOT TO SET CORNER MARKERS HAS BEEN OBTAINED FROM THE ULTIMATE USER PURSUANT TO P.L.2003, c.14 (N.J.S.A. 45:8-36.3) AND N.J.A.C. 13:40-11, 5.1(c) AND 5.2.
  - THE LOCATION OF UNDERGROUND UTILITIES SHOWN HEREON ARE BASED UPON ABOVE GROUND APPURTENANCES AND MARK OUTS AT THE TIME OF SURVEY. LOCATIONS OF UNDERGROUND UTILITIES/STRUCTURES MAY VARY FROM LOCATIONS SHOWN HEREON. ADDITIONAL UTILITIES/STRUCTURES MAY BE ENCOUNTERED. ALL UTILITIES/STRUCTURE LOCATIONS TO BE KNOWN AND MARKED OUT PRIOR TO ANY EXCAVATION CONSTRUCTION PER THE "UNDERGROUND FACILITY PROTECTION ACT" P.L.1994, c.118, (C.48-2-73 of 1994).
  - CAUTION:** IF THIS DOCUMENT DOES NOT CONTAIN A RAISED IMPRESSION SEAL OF THE PROFESSIONAL, IT IS NOT AN AUTHORIZED DOCUMENT AND MAY HAVE BEEN ALTERED.
  - OFFSETS SHOWN HEREON ARE NOT TO BE USED AS A BASIS FOR CONSTRUCTION OF FENCES OR OTHER PERMANENT STRUCTURES.
  - ELEVATION DATUM IS NAVD 1988 - BENCHMARK NATIONAL GEODETIC SURVEY MONUMENT P.L.D. 07168, STAMPED 76296.
  - DUE TO SNOW COVERAGE AND SNOW PLOWING DRIFTS ON THE PROPERTY, EXISTING SITE FEATURES MAY NOT HAVE BEEN VISIBLE AT THE TIME OF THE SURVEY.
  - THERE ARE NO KNOWN PROPOSED CHANGES TO THE STREET RIGHT-OF-WAY LINES.
  - THERE ARE NO KNOWN OFF-SITE EASEMENTS OR SERVITUDES.
  - THERE ARE NO KNOWN VISIBLE PARKING SPACES LOCATED ON THE SUBJECT PROPERTIES. PAVEMENT MARKINGS HAVE BEEN WORK AWAY, OR WERE COVERED WITH SNOW AT THE TIME OF THE SURVEY.



NO.	REVISION DESCRIPTION	DATE	DRWN	CHKD BY
<b>ALTA / NSPS SURVEY OF PROPERTY</b> <b>TAX LOTS 1, TAX BLOCK 18</b> <b>TAX LOTS 5, 6 &amp; 7, TAX BLOCK 21</b> <b>BOROUGH OF ALLENHURST</b> <b>MONMOUTH COUNTY, NEW JERSEY</b> (TAX MAP REFERENCE BOROUGH OF ALLENHURST SHEET NO. 3)				
<b>Nelson Engineering Associates, Inc.</b>				
1750 BLOOMSBURY AVENUE OCEAN, NEW JERSEY 07712 TEL (732)-918-2180 FAX (732)-918-0697 WWW.NELSONENG.COM			SITE ENGINEERING TRAFFIC ENGINEERING LANDSCAPE ARCHITECTURE ENVIRONMENTAL STUDIES LAND SURVEYING & MARKING	
<b>ROBERT H. MORRIS, P.L.S.</b> PROFESSIONAL LAND SURVEYOR NEW JERSEY LICENSE NO. 30090				
SCALE: 1" = 30'	DATE: 01-12-2018	CHKD. BY: RHM	SHEET 1 OF 1	