

February 12, 2021

Planning Board  
Borough of Allenhurst  
125 Corlies Avenue  
Allenhurst, NJ 07711

**Re: Christopher & Michelle Rogers Residence  
312 Spier Avenue  
Lot 13, Block 4  
Borough of Allenhurst  
Our File: ALPB 21-**

Dear Board Members:

Our office has received and reviewed an application for Planning Board approval in connection with the above referenced project. The following documents have been reviewed:

- Survey of Property for 312 Spier Avenue, Lot 4, Block 13 consisting of one (1) sheet prepared by Charles Surmonte, P.E., P.L.S., dated January 10, 2017 with no revision date.
- Site Plan for The Rogers Residence 312 Spier Avenue, Lot 4, Block 13 consisting of one (1) sheet prepared by Thomas F. Levin, AIA, of Robert A. Hazelrigg and Associates, Architects, dated March 22, 2017, last revised February 2, 2021.
- Architectural Plan for The Rogers Residence 312 Spier Avenue consisting of eight (8) sheets prepared by Thomas F. Lavin, AIA, of Robert A. Hazelrigg and Associates, Architects, dated October 12, 2016, last revised January 17, 2017.

The application has been deemed **COMPLETE**. We have completed our engineering review of the submitted application.

**1. Property Description**

- A. The subject property is located at 312 Spier Avenue (Lot 4, Block 13 on the current Tax Map) and contains 10,500 square feet. The property is approximately 75± feet in width by 140± feet in depth.

- B. The lot currently has a 1,445 square foot single-family two- and one-half story home and an existing 374 square foot one story detached garage.
- C. The Applicant is proposing to construct the following exterior improvements:

Reported Coverage Calculations

	<b>Existing</b>	<b>Proposed</b>	<b>Demolition</b>	<b>Addition</b>
Dwelling	1,445 sf	1,826 sf	----	381 sf
Covered Front Porch	394 sf	394 sf	----	----
Detached Garage	374 sf	374 sf	----	----
Shed	120 sf	120 sf	----	----
Stairs	93 sf	85 sf	8 sf	----
Concrete Walkway	171 sf	199 sf	----	28 sf
Asphalt Driveway	1,242 sf	1,242 sf	----	----
Pavers	889 sf	157 sf	732 sf	----
HVAC Pads	16 sf	16 sf	----	----
Pool Border	0 sf	92 sf	----	92 sf
Pool	0 sf	480 sf	----	480 sf
Pool Equipment	0 sf	18 sf	----	18 sf
<b>Total</b>	<b>4,744 sf</b>	<b>5,003 sf</b>	<b>740 sf</b>	<b>999 sf</b>

The project proposes to remove pavers and stairs (740 sf), along with constructing a new inground pool associated pool patio and dwelling addition (999 sf).

- D. In accordance with zoning determination, this project has been deemed a major alteration requiring a Certificate of Appropriateness.

**2. Resolution No. 5 17 17-2**

- A. The subject property was previously approved under Resolution No. 5 17 17-2 on May 17, 2017 for the construction of the pool.
- B. Under Resolution No. 5 17 17-2 the Applicant provided the following testimony and findings:
  - 1) The Applicant requests bulk variances to construct a pool closer to the permitted setbacks for side yard (19.17') and rear yard (23') where 25 feet required for both setbacks.
  - 2) The Applicant followed the recommendations of Chairman Tomaino and Commissioner McLoughlin, the proposed pool was

relocated 10 feet away from the dwelling and also 10 feet away from the existing garage.

- 3) Mr. Rogers (Applicant) stated that the equipment would be in an elevated location in the garage so that car can still be parked underneath it.
  - 4) Mr. Rogers (Applicant) said a fence was planned and apologized it was not on the plan.
  - 5) Mrs. Varley asked if there was a BOCA code stating that power lines needed to be 25 ft. from the pool. Board Attorney Beekman stated that if the Board decides to approve the application, this concern could become a condition that the Applicant gets approvals from the utilities.
  - 6) Commissioner McLoughlin stated that he normally does not approve applications that exacerbate the condition of impervious surface coverage, but in this case, it was done at the behest almost of the Board. The Board wanted to keep the location of the garage where it was because the Board believed that it would be more in keeping of the HPO. Commissioner McLoughlin believes that the Applicants came back before the Board taking the recommendations of putting the pool in the best place possible, so they have the clear exits from the building and will recommend approving the application. Mrs. Varley also agreed that the Applicant changed the plan upon Board recommendation. Vice Chairman Costello reiterated that the Applicant would have preferred a different configuration but made adjustment based on the Board's wants and a real effort has been made to get as close as possible to compliance. Mr. Boyd agreed that the pool was reconfigured taking the Board's recommendation.
  - 7) Board Attorney Beekman stated that for the record this is a typical "C-1" variance that is based upon the location of existing structures on the property, and the Applicant submitted an application requesting variances on the "C-1" variance provisions in the Municipal Land Use Law.
- C. The Board approved the pool location with 19.17 feet side yard lot line and a 23-foot rear yard lot line.
- D. The Applicant was unable to perfect the resolution and the approval was lapsed.

3. **Resolution No. 2 15 17-3**

- A. The subject property was previously approved under Resolution No. 2 15 17-3 on January 18, 2017 for a Certificate of Appropriateness for Major Alterations.
- B. Under Resolution No. 2 15 17-3, the Applicant provided the following testimony and findings:
  - 1) The addition is the to make room for a kitchen, family room and a master suite.
  - 2) Mr. Rogers (Applicant) stated that one of the reasons for the proposed addition is for a second bathroom on the second floor to accommodate five (5) people.
  - 3) The renovations, as proposed, would put the Applicant over building coverage by 98 square feet, and they would also exceed the impervious coverage limitations as well.
  - 4) Commissioner McLoughlin stated that eliminating the pool would solve the problem, but Mr. Rogers advised that aquatic exercise is necessary to help the ill family member.
  - 5) Mr. Rogers reported that they revised the plans based on the suggestions of Commissioner McLoughlin to include cedar shake shingles at the top, and then transition to clapboard. The duplicated other houses on Spier Avenue with this design. They also propose a smaller pool and propose a ribbon driveway, all intended to reduce the impervious coverage and still achieve some of their goals for the addition and the pool.
  - 6) Mr. Beekman advised that the Applicant may request to bifurcate the application, and request only the Certificate of Appropriateness for now, especially since the pool variances were not noticed by the Applicants.

4. **Zoning and Land Use**

- A. The property is located in the R-2 Residential District and single-family dwellings, detached garages and pools are a permitted principal use in this zone district.
- B. The proposed improvements require Planning Board and Historic Preservation approval for a *Certificate of Appropriateness (Major Alteration)*.

C. Under this application the Applicant proposes the following:

480 square foot pool  
 ±762 square foot building addition 2 ½ story addition

**5. Variations and Design Waivers**

A. Bulk Requirements for Yard and Principal Dwelling:

1) An analysis of the bulk requirements of the R-2 Residential District for the yard area and principal dwelling are as follows:

<b>Bulk Requirements</b>	<b>Permitted</b>	<b>Existing</b>	<b>Proposed</b>
Lot Area	10,500 sq. ft.	10,500 sq. ft.	No change
Minimum Lot Frontage	50 ft.	75 ft.	No change
Minimum Lot Width	50 ft.	75ft.	No change
Minimum Lot Depth	140 ft.	140 ft.	No change
Minimum Front Yard Setback (50 ft. or Avg.)	43.3 ft. aligned	43.3 ft aligned	No change
Minimum Side Yard Setback (10% Lot Width or 5 ft. one side)	5 ft. (1 side) or (10% of 75 ft. = 7.5 ft.)	4.1 ft. (NC)	No change
Minimum Side Yard Setback (40% of building height at eve) (west)	40% of building height 24 ft. = 9.6 ft.	4.1 ft. (NC)	No change
Minimum Combined Side Yard Setback (30% Lot Width)	22.5 ft.	28.25 ft.	No change
Minimum Rear Yard Setback (20% Lot Depth)	20% of 140 ft. = 28 ft.	53.1 ft.	No change
Minimum Rear Yard Setback (20% Lot Depth)	20% of 140 ft. = 28 ft.	53.1 ft.	No change
Maximum Building Coverage	10,500 x 20% = 2,100	1,918 sq. ft. 18.27%	2,220 sq. ft. of 21.14% (V)
Maximum Impervious Coverage	10,500 x 40% = 4,200	4,823 sf 45.93% (NC)	5,003 sq. ft. 47.65% (V)
Building Height	2.5 stories/ 35 ft.	2.5 stories 40 ft. (NC)	No change
Minimum First Floor Area	825 sq. ft.	1,445sq. ft.	1,826 sq. ft.
Minimum Gross Floor Area	1,650 sq. ft.	(NR)	(NR)
Maximum Porch Projection	10ft.	10.3 ft. (NC)	No change

**(V) indicates a variance required (NC) indicates an existing non-conformity (NR) indicates not reported**

B. Garage – An analysis of the bulk requirements of the R-2 Residential District for the garage is a follows:

<b>Garage</b>	<b>Permitted</b>	<b>Existing</b>	<b>Proposed</b>
Minimum Side Yard Setback	2.6 ft.	3.1 ft.	No change
Minimum Rear Yard Setback	3.6 ft.	2.6 ft.	No change
Percentage of Rear Yard Area	35%	17.8%	17.8%
Minimum Garage Width	18 ft.	18 ft.	No change
Minimum Garage Depth	20 ft.	20 ft.	No change

**(NC) indicates an existing non-conformity**

- D. Ordinance Section 26-4.4.g.3 (revised under Ordinance #2017-12) requires that the garage area shall not exceed thirty-five (35%) of the required rear yard area.

Our office calculates the following:

Total rear yard area	=	2,100 SF	(28 ft. x 75 ft.)
Allowable garage coverage	=	735 SF	
Existing detached garage	=	374 SF	
Proposed detached garage	=	374 SF	

The Applicant complies with the ordinance regulation.

- E. Pool – An analysis of the bulk requirements of the R-2 Residential District for the pool is as follows:

<b>Pool</b>	<b>Permitted</b>	<b>Existing</b>	<b>Proposed</b>
Maximum Water Surface Area	800 sf.	----	480 sf.
Minimum Distance to Structure	10 ft.	----	10 ft.
Minimum Distance to Rear Property Line	25 ft.	----	23 ft.(V)
Minimum Distance to Side Property Line	25 ft.	----	19.17 ft. (V)
Ocean High Water Mark	250 ft.	----	(NR)
Street Curb – Allen Avenue	100 ft.	----	107.5 ft.

**(V) indicates a variance is required**

Testimony shall be provided on ocean high water mark.

- F. Impervious Coverage Summary

	<b>Existing</b>	<b>Proposed</b>
Building Coverage =	1,918 SF	2,220 SF (V)
Impervious Coverage =	4,823 SF	5,003 SF (V)

Allowed by ordinance:

Building Coverage	10,500 SF x 20% = 2,100 SF
Impervious Coverage	10,500 SF x 40% = 4,200 SF

The Applicant is proposing an increase in impervious and building coverage:

Building:	Increase	302 SF
Coverage:	Increase	180 SF

Testimony should be provided due to the complexity of the impervious surface's improvements; our office recommends an asbuilt plan with calculations to confirm the project's compliance prior to final CO.

G. The following testimony should be provided:

The Applicant shall address that proposed grading will have no impact on adjacent properties (Ordinance Section 26-5.11.j.2). No grading information has been provided.

- Ordinance Section 26-5.11.f states pool water may not be discharge at the curb or upon the surface of any street or into the storm sewer.
- The ultimate discharge of all site water runoff and that there is no negative impact.

H. Lighting and illumination plan must be submitted. Ordinance Section 26-5.11.j.3 - All illumination used in connection with any pool shall be directed and shielded so as to avoid annoyance or nuisance to the occupants of adjacent and neighboring properties and shall be subject to the approval of the Zoning Officer and/or the Allenhurst Planning Board.

**6. Swimming Pool**

A. The Applicant is proposing the following pool design parameters:  
**Testimony to be provided on the proposed design.**

- 1) Ordinance Section 26-5.11.c – No pool shall be constructed at an elevation greater than twelve (12) inches higher than the unaltered existing ground elevation.
- 2) Ordinance Section 26.5.11.j.5 - the Applicant shall ensure the bottom of the pool will be set two (2) feet above the seasonal high-water table (SHWT). Soil boring log shall be added to the plan.
- 3) Ordinance Section 26-5.11.d – the pool will be constructed 10 feet from the building.

Ordinance Section 26-5.11.j.1 – the Applicant must submit a grading and drainage plan prepared, signed and sealed by a Profession Engineer, licensed in the State of New Jersey.

B. The following notes shall be added to the plans:

- 1) Pool footprint shall not encroach on any existing overhead wires with a minimum of a five (5) foot buffer or more as may be required by utility company.
- 2) Prior to any construction activities, the Applicant shall call for utility service mark out.

**7. Site Grading/Drainage/Lighting**

A. In order to promote groundwater recharge, we recommend all roof leaders be connected to the proposed drywell system for **all** proposed additions.

***Existing Building Coverage 18.27% Proposed Building Coverage 21.14%***

- B. The Applicant should provide a soil log location on the plan along with permeability test for the underground drywell system. The subsurface soil must be capable of infiltration rates proposed.
- C. Ordinance Section 26-4.4.k requires the following:

Bedrooms	Number of Parking Spaces
7	5

Testimony should be required to address the total proposed bedrooms parking available onsite for the residential lot.

**8. General Comments and Historic Review**

- A. The Applicant has applied for a Certificate of Appropriateness under Ordinance Section 26-11.8.a for compliance with architectural standards.
- B. Under Appendix A of the “Design Guidelines for the District – Historic Preservation Ordinance 2003-05” the subject property is classified as KEY (Key Landmarks), having been built between 1905 and 1941. The Applicant shall provide testimony on the following for Certificate of Appropriateness:
  - 1) Proposed exterior walls and surface treatment material
  - 2) Proposed windows
  - 3) Proposed doorways and porches
  - 4) Proposed trim
  - 5) Proposed railing
  - 6) Proposed roof
  - 7) Exterior painting
  - 8) Site utilization – New construction including additions, should follow a pattern of site utilization similar to adjacent buildings.
  - 9) Rhythm & directional emphasis – New construction, including additions, should be compatible with the rhythm of neighboring buildings along the street. Rhythm is defined as the relationship of buildings to open space along the street, the relationship of solids to voids on building facades, and the relationship of entrance and porch projections to the street.



- 10) Building element – The various individual elements of a building (for example, roof, windows, doors, porches and trim, etc.) should be carefully integrated into the overall design of new construction and any addition. These elements also should complement those on neighboring buildings.
- 11) Mechanical systems – Placement of mechanical equipment obscure from view, (not shown on plot plan).
- 12) Compatibility of new construction
  - a) Consistent with major architectural style. (possess at least five (5) major architectural elements consistent with major architectural style in the Borough)

Testimony should address the type of material to be utilized and how new material will match existing.

C. In accordance with the Borough of Allenhurst historic register:

312 Spier Avenue (C)

Block 13/Lot 14

Style: Queen Anne

Outbuildings: 1-story, oversized 1-car, front-gabled, frame garage with aluminum siding (C)

Detached 2 ½ story, 4-over-2 bay, front gabled, frame residence; asphalt shingles on roof; asbestos shingle siding; hipped roof dormers on side roof slopes; first floor wraparound porch with a hipped roof, Doric columns, and an enclosed east end with multi-paned door flanked by 2/2 double-hung sashes main entry with wood paneled and glass door flanked by sidelights; first floor picture window with decorative louvered shutters; second floor windows are 6/1 replacement double-hung sashes with decorative louvered shutters; Palladian window with infilled center arch along front gable end. House and garage built between 1905 and 1930 (Sanborn: 1905,1930).

9. **General Comments**

A. The following general notes shall be added to the plan:

- 1) Existing curb and slate sidewalk along the frontage will be replaced in found in poor condition in front of the temporary construction entrance.
- 2) Ordinance 26-10 – “No building, construction, reconstruction, remodeling or repairs shall be made, undertaken or continued within the limits of the Borough between June 30 and Labor Day and on the following holidays: Thanksgiving Day and Christmas Day. No

power tools such as power sanders, chain saws, power saws, nail guns, etc. shall be allowed during this moratorium.

B. The following details shall be added to the plans:

- 1) Proposed pool cross section
- 2) Proposed patio
- 3) Screening for mechanical equipment (planting details)
- 4) The Applicant should provide information that taxes are currently paid.
- 5) Granting of any required construction permits

C. The Applicant proposes the following floor layout:

Basement: Open storage  
1<sup>st</sup> Floor: Half bath, family room, kitchen, dining room, living room, covered porch  
2<sup>nd</sup> Floor: (4) bedrooms, (2) full baths  
3<sup>rd</sup> Floor: (3) bedrooms, (1) full bath

In accordance with Ordinance 26-4.4.a testimony shall be provided to address living and habitable space not to exceed three (3) stories.

Our office reserves the right to provide additional comments upon receipt of revised development plans.

Should you have any questions, or require additional information on this matter, please do not hesitate to contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.



Matthew Mariano  
Technical Review Specialist

MM:mcs

cc: Kelly Barrett, Board Secretary  
Erik Anderson, Esq., Board Attorney  
Peter R. Avakian, P.E., Board Engineer  
Joe McGrath, Zoning Officer  
Robert Hazelrigg, AIA, Applicant's Architect  
Charles Surmonte, P.E. & P.L.S., Applicant's Engineer  
Christopher & Michelle Rogers, Applicant

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